

Senate File 601

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON APPROPRIATIONS  
(SUCCESSOR TO LSB 2904SC)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to state and local finances by providing for  
2 funding of property tax credits and reimbursements, by making,  
3 increasing and reducing appropriations, providing for salaries  
4 and compensation of state employees, providing for fees and  
5 penalties, and providing for properly related matters, and  
6 including effective date provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
8 TLSB 2904SV 82  
9 mg/cf/24

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1 1 DIVISION I  
1 2 MH/MR/DD/BI SERVICES ALLOWED  
1 3 GROWTH FUNDING == FY 2008=2009  
1 4 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION,  
1 5 DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY ALLOWED GROWTH  
1 6 APPROPRIATION AND ALLOCATIONS == FISCAL YEAR 2008=2009.  
1 7 1. There is appropriated from the general fund of the  
1 8 state to the department of human services for the fiscal year  
1 9 beginning July 1, 2008, and ending June 30, 2009, the  
1 10 following amount, or so much thereof as is necessary, to be  
1 11 used for the purpose designated:  
1 12 For distribution to counties of the county mental health,  
1 13 mental retardation, and developmental disabilities allowed  
1 14 growth factor adjustment for fiscal year 2008=2009, and for  
1 15 the brain injury services program in the department of public  
1 16 health:  
1 17 ..... \$ 64,600,002  
1 18 2. The amount appropriated in this section shall be  
1 19 allocated as provided in a later enactment of the general  
1 20 assembly.

1 21 DIVISION II  
1 22 STANDING APPROPRIATIONS  
1 23 AND RELATED MATTERS  
1 24 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2008=2009.  
1 25 1. For the budget process applicable to the fiscal year  
1 26 beginning July 1, 2008, on or before October 1, 2007, in lieu  
1 27 of the information specified in section 8.23, subsection 1,  
1 28 unnumbered paragraph 1, and paragraph "a", all departments and  
1 29 establishments of the government shall transmit to the  
1 30 director of the department of management, on blanks to be  
1 31 furnished by the director, estimates of their expenditure  
1 32 requirements, including every proposed expenditure, for the  
1 33 ensuing fiscal year, together with supporting data and  
1 34 explanations as called for by the director of the department  
1 35 of management after consultation with the legislative services  
2 1 agency.  
2 2 2. The estimates of expenditure requirements shall be in a  
2 3 form specified by the director of the department of  
2 4 management, and the expenditure requirements shall include all  
2 5 proposed expenditures and shall be prioritized by program or  
2 6 the results to be achieved. The estimates shall be  
2 7 accompanied by performance measures for evaluating the  
2 8 effectiveness of the programs or results.  
2 9 Sec. 3. GENERAL ASSEMBLY == BUILDING SECURITY. Of the  
2 10 appropriations made pursuant to section 2.12 for the expenses  
2 11 of the general assembly and legislative agencies for the  
2 12 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
2 13 \$775,000 shall be used for capitol building and judicial  
2 14 building security.

2 15 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.  
2 16 Notwithstanding the standing appropriations in the following  
2 17 designated sections for the fiscal year beginning July 1,  
2 18 2007, and ending June 30, 2008, the amounts appropriated from  
2 19 the general fund of the state pursuant to these sections for  
2 20 the following designated purposes shall not exceed the  
2 21 following amounts:

2 22 1. For instructional support state aid under section  
2 23 257.20:  
2 24 ..... \$ 14,428,271  
2 25 2. For payment for nonpublic school transportation under  
2 26 section 285.2:  
2 27 ..... \$ 8,604,714  
2 28 If total approved claims for reimbursement for nonpublic  
2 29 school pupil transportation claims exceed the amount  
2 30 appropriated in this section, the department of education  
2 31 shall prorate the amount of each claim.

2 32 3. For the educational excellence program under section  
2 33 294A.25, subsection 1:  
2 34 ..... \$ 55,469,053  
2 35 4. For the state's share of the cost of the peace  
3 1 officers' retirement benefits under section 411.20:  
3 2 ..... \$ 2,745,784

3 3 Sec. 5. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF  
3 4 GENERAL FUND REIMBURSEMENT.

3 5 1. a. Notwithstanding section 8.57, prior to the  
3 6 appropriation and distribution to the senior living trust fund  
3 7 and the cash reserve fund of the surplus existing in the  
3 8 general fund of the state at the conclusion of the fiscal year  
3 9 beginning July 1, 2006, and ending June 30, 2007, pursuant to  
3 10 section 8.57, subsections 1 and 2, of that surplus,  
3 11 \$157,868,964 is appropriated to the property tax credit fund  
3 12 which shall be created in the office of the treasurer of state  
3 13 to be used for the purposes of this section.

3 14 b. Notwithstanding any provision in section 8.57 to the  
3 15 contrary in determining the amount of the appropriation to the  
3 16 senior living trust fund pursuant to section 8.57, subsection  
3 17 2, paragraph "a", the surplus for the fiscal year beginning  
3 18 July 1, 2006, shall not include the amount appropriated to the  
3 19 property tax credit fund pursuant to paragraph "a" of this  
3 20 subsection.

3 21 c. There is appropriated from the general fund of the  
3 22 state to the property tax credit fund created in paragraph "a"  
3 23 for the fiscal year beginning July 1, 2007, and ending June  
3 24 30, 2008, the sum of \$2,000,000.

3 25 2. Notwithstanding the amount of the standing  
3 26 appropriation from the general fund of the state in the  
3 27 following designated sections and notwithstanding any  
3 28 conflicting provisions or voting requirements of section 8.56,  
3 29 there is appropriated from the property tax credit fund in  
3 30 lieu of the appropriations in the following designated  
3 31 sections for the fiscal year beginning July 1, 2007, and  
3 32 ending June 30, 2008, the following amounts for the following  
3 33 designated purposes:

3 34 a. For reimbursement for the homestead property tax credit  
3 35 under section 425.1:  
4 1 ..... \$102,658,781  
4 2 b. For reimbursement for the agricultural land and family  
4 3 farm tax credits under sections 425A.1 and 426.1:  
4 4 ..... \$ 34,610,183  
4 5 c. For reimbursement for the military service tax credit  
4 6 under section 426A.1A:  
4 7 ..... \$ 2,800,000  
4 8 d. For implementing the elderly and disabled tax credit  
4 9 and reimbursement pursuant to sections 425.16 through 425.40:  
4 10 ..... \$ 19,800,000

4 11 If the director of revenue determines that the amount of  
4 12 claims for credit for property taxes due pursuant to  
4 13 paragraphs "a", "b", "c", and "d" plus the amount of claims  
4 14 for reimbursement for rent constituting property taxes paid  
4 15 which are to be paid during the fiscal year may exceed the  
4 16 total amount appropriated, the director shall estimate the  
4 17 percentage of the credits and reimbursements which will be  
4 18 funded by the appropriation. The county treasurer shall  
4 19 notify the director of the amount of property tax credits  
4 20 claimed by June 8, 2007. The director shall estimate the  
4 21 percentage of the property tax credits and rent reimbursement  
4 22 claims that will be funded by the appropriation and notify the  
4 23 county treasurer of the percentage estimate by June 15, 2007.  
4 24 The estimated percentage shall be used in computing for each  
4 25 claim the amount of property tax credit and reimbursement for

4 26 rent constituting property taxes paid for that fiscal year.  
4 27 If the director overestimates the percentage of funding,  
4 28 claims for reimbursement for rent constituting property taxes  
4 29 paid shall be paid until they can no longer be paid at the  
4 30 estimated percentage of funding. Rent reimbursement claims  
4 31 filed after that point in time shall receive priority and  
4 32 shall be paid in the following fiscal year.

4 33 3. Notwithstanding any other provision, if the  
4 34 Eighty-second General Assembly, 2007 Session, enacts  
4 35 legislation that also provides for the appropriation of the  
5 1 surplus or any part of the surplus existing in the general  
5 2 fund of the state at the conclusion of the fiscal year  
5 3 beginning July 1, 2006, and ending June 30, 2007, the moneys  
5 4 appropriated from such surplus pursuant to subsection 1 shall  
5 5 have priority over all other such appropriations.

5 6 Sec. 6. CASH RESERVE APPROPRIATION FOR FY 2007=2008. For  
5 7 the fiscal year beginning July 1, 2007, and ending June 30,  
5 8 2008, the appropriation to the cash reserve fund provided in  
5 9 section 8.57, subsection 1, paragraph "a", shall not be made.

5 10 Sec. 7. Section 8.57A, subsection 4, Code 2007, is amended  
5 11 to read as follows:

5 12 4. There is appropriated from the rebuild Iowa  
5 13 infrastructure fund for the fiscal year beginning July 1, ~~2006~~  
5 14 2007, and for each fiscal year thereafter, the sum of  
5 15 ~~thirty-five~~ forty million dollars to the environment first  
5 16 fund, notwithstanding section 8.57, subsection 6, paragraph  
5 17 "c".

5 18 Sec. 8. Section 257.35, subsection 4, Code 2007, is  
5 19 amended to read as follows:

5 20 4. Notwithstanding subsection 1, and in addition to the  
5 21 reduction applicable pursuant to subsection 2, the state aid  
5 22 for area education agencies and the portion of the combined  
5 23 district cost calculated for these agencies for the fiscal  
5 24 year beginning July 1, ~~2006~~ 2007, shall be reduced by the  
5 25 department of management by ~~eight five~~ million two hundred  
5 26 fifty thousand dollars. The reduction for each area education

5 27 agency shall be prorated based on the reduction that the  
5 28 agency received in the fiscal year beginning July 1, 2003.

5 29 Sec. 9. AREA EDUCATION AGENCY PAYMENTS. It is the intent  
5 30 of the general assembly that for the fiscal year beginning  
5 31 July 1, 2008, any reduction in state aid to area education  
5 32 agencies and the combined district cost calculated for those  
5 33 agencies over the reduction applicable pursuant to section  
5 34 257.35, subsection 2, shall not exceed \$2.5 million and that  
5 35 for the fiscal year beginning July 1, 2009, there shall be no  
6 1 such additional reduction.

6 2 Sec. 10. EFFECTIVE DATE. The section of this division of  
6 3 this Act creating the property tax credit fund, being deemed  
6 4 of immediate importance, takes effect upon enactment.

#### 6 5 DIVISION III

#### 6 6 SALARIES, COMPENSATION, AND RELATED MATTERS

6 7 Sec. 11. STATE COURTS == JUSTICES, JUDGES, AND  
6 8 MAGISTRATES.

6 9 1. The salary rates specified in subsection 2 are for the  
6 10 fiscal year beginning July 1, 2007, effective for the pay  
6 11 period beginning June 29, 2007, and for subsequent fiscal  
6 12 years until otherwise provided by the general assembly. The  
6 13 salaries provided for in this section shall be paid from funds  
6 14 appropriated to the judicial branch from the salary adjustment  
6 15 fund or if the appropriation is not sufficient, from funds  
6 16 appropriated to the judicial branch pursuant to any Act of the  
6 17 general assembly.

6 18 2. The following annual salary rates shall be paid to the  
6 19 persons holding the judicial positions indicated during the  
6 20 fiscal year beginning July 1, 2007, effective with the pay  
6 21 period beginning June 29, 2007, and for subsequent pay  
6 22 periods.

6 23 a. Chief justice of the supreme court:	
6 24 .....	\$ 167,500
6 25 b. Each justice of the supreme court:	
6 26 .....	\$ 160,000
6 27 c. Chief judge of the court of appeals:	
6 28 .....	\$ 150,000
6 29 d. Each associate judge of the court of appeals:	
6 30 .....	\$ 145,000
6 31 e. Each chief judge of a judicial district:	
6 32 .....	\$ 140,000
6 33 f. Each district judge except the chief judge of a	
6 34 judicial district:	
6 35 .....	\$ 135,000
7 1 g. Each district associate judge:	

7 2 ..... \$ 120,000  
7 3 h. Each associate juvenile judge:  
7 4 ..... \$ 120,000  
7 5 i. Each associate probate judge:  
7 6 ..... \$ 120,000  
7 7 j. Each judicial magistrate:  
7 8 ..... \$ 37,000  
7 9 k. Each senior judge:  
7 10 ..... \$ 8,000

7 11 3. Persons receiving the salary rates established under  
7 12 this section shall not receive any additional salary  
7 13 adjustments provided by this division of this Act.

7 14 Sec. 12. APPOINTED STATE OFFICERS. The governor shall  
7 15 establish a salary for appointed nonelected persons in the  
7 16 executive branch of state government holding a position  
7 17 enumerated in the section of this division of this Act that  
7 18 addresses the salary ranges of state officers within the range  
7 19 provided, by considering, among other items, the experience of  
7 20 the individual in the position, changes in the duties of the  
7 21 position, the incumbent's performance of assigned duties, and  
7 22 subordinates' salaries. However, the attorney general shall  
7 23 establish the salary for the consumer advocate, the chief  
7 24 justice of the supreme court shall establish the salary for  
7 25 the state court administrator, the ethics and campaign  
7 26 disclosure board shall establish the salary of the executive  
7 27 director, the Iowa public broadcasting board shall establish  
7 28 the salary of the administrator of the public broadcasting  
7 29 division of the department of education, and the state fair  
7 30 board shall establish the salary of the secretary of the state  
7 31 fair board, each within the salary range provided in the  
7 32 section of this division of this Act that addresses the salary  
7 33 ranges of state officers.

7 34 The governor, in establishing salaries as provided in the  
7 35 section of this division of this Act that addresses the salary  
8 1 ranges of state officers, shall take into consideration other  
8 2 employee benefits which may be provided for an individual  
8 3 including but not limited to housing.

8 4 A person whose salary is established pursuant to the  
8 5 section of this division of this Act that addresses the salary  
8 6 ranges of state officers and who is a full-time, year-round  
8 7 employee of the state shall not receive any other remuneration  
8 8 from the state or from any other source for the performance of  
8 9 that person's duties unless the additional remuneration is  
8 10 first approved by the governor or authorized by law. However,  
8 11 this provision does not exclude the reimbursement for  
8 12 necessary travel and expenses incurred in the performance of  
8 13 duties or fringe benefits normally provided to employees of  
8 14 the state.

8 15 Sec. 13. STATE OFFICERS == SALARY RANGE. The following  
8 16 annual salary ranges are effective for the positions specified  
8 17 in this section for the fiscal year beginning July 1, 2007,  
8 18 and for subsequent fiscal years until otherwise provided by  
8 19 the general assembly. The governor or other person designated  
8 20 in the section of this division of this Act relating to  
8 21 appointed state officers shall determine the salary to be paid  
8 22 to the person indicated at a rate within this salary range  
8 23 from funds appropriated by the general assembly for that  
8 24 purpose.

8 25 1. The following are salary ranges for appointed state  
8 26 officers for the fiscal year beginning July 1, 2007, effective  
8 27 with the pay period beginning June 29, 2007:

SALARY RANGE		Minimum	Maximum
a.	Range 1	\$ 9,069	\$ 35,464
b.	Range 2	\$46,758	\$ 71,552
c.	Range 3	\$53,768	\$ 82,285
d.	Range 4	\$61,838	\$ 94,619
e.	Range 5	\$71,115	\$108,805
f.	Range 6	\$81,786	\$125,133
g.	Range 7	\$97,906	\$149,802

9 1 2. The following are range 1 positions: there are no  
9 2 range 1 positions for the fiscal year beginning July 1, 2007.

9 3 3. The following are range 2 positions: administrator of  
9 4 the arts division of the department of cultural affairs,  
9 5 administrators of the division of persons with disabilities,  
9 6 the division on the status of women, the division on the  
9 7 status of Iowans of Asian and Pacific Islander heritage, the  
9 8 division on the status of African-Americans, the division of  
9 9 deaf services, and the division of Latino affairs of the  
9 10 department of human rights.

9 11 4. The following are range 3 positions: administrator of  
9 12 the division of criminal and juvenile justice planning of the

9 13 department of human rights, administrator of the division of  
9 14 community action agencies of the department of human rights,  
9 15 executive director of the department of veterans affairs, and  
9 16 chairperson and members of the employment appeal board of the  
9 17 department of inspections and appeals.

9 18 5. The following are range 4 positions: director of the  
9 19 department of human rights, director of the Iowa state civil  
9 20 rights commission, executive director of the college student  
9 21 aid commission, director of the department for the blind,  
9 22 executive director of the ethics and campaign disclosure  
9 23 board, members of the public employment relations board, and  
9 24 chairperson, vice chairperson, and members of the board of  
9 25 parole.

9 26 6. The following are range 5 positions: administrator of  
9 27 the division of homeland security and emergency management of  
9 28 the department of public defense, state public defender, drug  
9 29 policy coordinator, labor commissioner, workers' compensation  
9 30 commissioner, director of the department of cultural affairs,  
9 31 director of the department of elder affairs, director of the  
9 32 law enforcement academy, and administrator of the historical  
9 33 division of the department of cultural affairs.

9 34 7. The following are range 6 positions: director of the  
9 35 Iowa energy independence office, superintendent of banking,  
10 1 superintendent of credit unions, administrator of the  
10 2 alcoholic beverages division of the department of commerce,  
10 3 director of the department of inspections and appeals,  
10 4 commandant of the Iowa veterans home, commissioner of public  
10 5 safety, commissioner of insurance, executive director of the  
10 6 Iowa finance authority, director of the department of natural  
10 7 resources, consumer advocate, and chairperson of the utilities  
10 8 board. The other members of the utilities board shall receive  
10 9 an annual salary within a range of not less than 90 percent  
10 10 but not more than 95 percent of the annual salary of the  
10 11 chairperson of the utilities board.

10 12 8. The following are range 7 positions: administrator of  
10 13 the public broadcasting division of the department of  
10 14 education, director of the department of corrections, director  
10 15 of the department of education, director of human services,  
10 16 director of the department of economic development, executive  
10 17 director of the Iowa telecommunications and technology  
10 18 commission, executive director of the state board of regents,  
10 19 director of transportation, director of the department of  
10 20 workforce development, director of revenue, director of public  
10 21 health, state court administrator, secretary of the Iowa state  
10 22 fair board, director of the department of management, and  
10 23 director of the department of administrative services.

10 24 Sec. 14. COLLECTIVE BARGAINING AGREEMENTS FUNDED ==  
10 25 GENERAL FUND. There is appropriated from the general fund of  
10 26 the state to the salary adjustment fund for distribution by  
10 27 the department of management to the various state departments,  
10 28 boards, commissions, councils, and agencies, including the  
10 29 state board of regents and the judicial branch, for the fiscal  
10 30 year beginning July 1, 2007, and ending June 30, 2008, the  
10 31 amount of \$108,598,094, or so much thereof as may be  
10 32 necessary, to fully fund annual pay adjustments, expense  
10 33 reimbursements, and related benefits implemented pursuant to  
10 34 the following:

10 35 1. The collective bargaining agreement negotiated pursuant  
11 1 to chapter 20 for employees in the blue collar bargaining  
11 2 unit.

11 3 2. The collective bargaining agreement negotiated pursuant  
11 4 to chapter 20 for employees in the public safety bargaining  
11 5 unit.

11 6 3. The collective bargaining agreement negotiated pursuant  
11 7 to chapter 20 for employees in the security bargaining unit.

11 8 4. The collective bargaining agreement negotiated pursuant  
11 9 to chapter 20 for employees in the technical bargaining unit.

11 10 5. The collective bargaining agreement negotiated pursuant  
11 11 to chapter 20 for employees in the professional fiscal and  
11 12 staff bargaining unit.

11 13 6. The collective bargaining agreement negotiated pursuant  
11 14 to chapter 20 for employees in the clerical bargaining unit.

11 15 7. The collective bargaining agreement negotiated pursuant  
11 16 to chapter 20 for employees in the professional social  
11 17 services bargaining unit.

11 18 8. The collective bargaining agreement negotiated pursuant  
11 19 to chapter 20 for employees in the community-based corrections  
11 20 bargaining unit.

11 21 9. The collective bargaining agreements negotiated  
11 22 pursuant to chapter 20 for employees in the judicial branch of  
11 23 government bargaining units.

11 24 10. The collective bargaining agreement negotiated  
11 25 pursuant to chapter 20 for employees in the patient care  
11 26 bargaining unit.

11 27 11. The collective bargaining agreement negotiated  
11 28 pursuant to chapter 20 for employees in the science bargaining  
11 29 unit.

11 30 12. The collective bargaining agreement negotiated  
11 31 pursuant to chapter 20 for employees in the university of  
11 32 northern Iowa faculty bargaining unit.

11 33 13. The collective bargaining agreement negotiated  
11 34 pursuant to chapter 20 for employees in the state university  
11 35 of Iowa graduate student bargaining unit.

12 1 14. The collective bargaining agreement negotiated  
12 2 pursuant to chapter 20 for employees in the state university  
12 3 of Iowa hospital and clinics tertiary health care bargaining  
12 4 unit.

12 5 15. The annual pay adjustments, related benefits, and  
12 6 expense reimbursements referred to in the sections of this  
12 7 division of this Act addressing noncontract state and board of  
12 8 regents employees who are not covered by a collective  
12 9 bargaining agreement.

12 10 Of the amount appropriated in this section, \$8,171,248  
12 11 shall be allocated to the judicial branch for the purposes of  
12 12 funding annual pay adjustments, expense reimbursements, and  
12 13 related benefits implemented for judicial branch employees.

12 14 Sec. 15. NONCONTRACT STATE EMPLOYEES == GENERAL.

12 15 1. a. For the fiscal year beginning July 1, 2007, the  
12 16 maximum and minimum salary levels of all pay plans provided  
12 17 for in section 8A.413, subsection 2, as they exist for the  
12 18 fiscal year ending June 30, 2007, shall be increased by 3  
12 19 percent for the pay period beginning June 29, 2007, and any  
12 20 additional changes in the pay plans shall be approved by the  
12 21 governor.

12 22 b. For the fiscal year beginning July 1, 2007, employees  
12 23 may receive a step increase or the equivalent of a step  
12 24 increase.

12 25 c. Notwithstanding the increase in paragraph "a",  
12 26 noncontract judicial branch employees shall receive increases  
12 27 similar to those employees covered by collective bargaining  
12 28 agreements negotiated by the judicial branch.

12 29 2. The pay plans for state employees who are exempt from  
12 30 chapter 8A, subchapter IV, and who are included in the  
12 31 department of administrative service's centralized payroll  
12 32 system shall be increased in the same manner as provided in  
12 33 subsection 1, and any additional changes in any executive  
12 34 branch pay plans shall be approved by the governor.

12 35 3. This section does not apply to members of the general  
13 1 assembly, board members, commission members, salaries of  
13 2 persons set by the general assembly pursuant to this division  
13 3 of this Act or set by the governor, or other persons  
13 4 designated in the section of this division of this Act  
13 5 addressing appointed state officers, employees designated  
13 6 under section 8A.412, subsection 5, and employees covered by  
13 7 11 IAC 53.6(3).

13 8 4. The pay plans for the bargaining eligible employees of  
13 9 the state shall be increased in the same manner as provided in  
13 10 subsection 1, and any additional changes in such executive  
13 11 branch pay plans shall be approved by the governor. As used  
13 12 in this section, "bargaining eligible employee" means an  
13 13 employee who is eligible to organize under chapter 20, but has  
13 14 not done so.

13 15 5. The policies for implementation of this section shall  
13 16 be approved by the governor.

13 17 Sec. 16. STATE EMPLOYEES == STATE BOARD OF REGENTS. Funds  
13 18 from the appropriation made from the general fund of the state  
13 19 in the section of this division of this Act providing for  
13 20 funding of collective bargaining agreements shall be allocated  
13 21 to the state board of regents for the purposes of providing  
13 22 increases for state board of regents employees covered by such  
13 23 section of this division of this Act and for state board of  
13 24 regents employees not covered by a collective bargaining  
13 25 agreement as follows:

13 26 1. For regents merit system employees and merit  
13 27 supervisory employees to fund for the fiscal year increases  
13 28 comparable to those provided for similar contract-covered  
13 29 employees in this division of this Act.

13 30 2. For faculty members and professional and scientific  
13 31 employees to fund for the fiscal year percentage increases  
13 32 comparable to those provided for contract-covered employees in  
13 33 the university of northern Iowa faculty bargaining unit.

13 34 Sec. 17. APPROPRIATIONS FROM ROAD FUNDS.

13 35 1. There is appropriated from the road use tax fund to the  
14 1 salary adjustment fund for the fiscal year beginning July 1,  
14 2 2007, and ending June 30, 2008, the following amount, or so  
14 3 much thereof as may be necessary, to be used for the purpose  
14 4 designated:  
14 5 To supplement other funds appropriated by the general  
14 6 assembly:  
14 7 ..... \$ 2,294,814  
14 8 2. There is appropriated from the primary road fund to the  
14 9 salary adjustment fund, for the fiscal year beginning July 1,  
14 10 2007, and ending June 30, 2008, the following amount, or so  
14 11 much thereof as may be necessary, to be used for the purpose  
14 12 designated:  
14 13 To supplement other funds appropriated by the general  
14 14 assembly:  
14 15 ..... \$ 11,788,266  
14 16 3. Except as otherwise provided in this division of this  
14 17 Act, the amounts appropriated in subsections 1 and 2 shall be  
14 18 used to fund the annual pay adjustments, expense  
14 19 reimbursements, and related benefits for public employees as  
14 20 provided in this division of this Act.  
14 21 Sec. 18. SPECIAL FUNDS == AUTHORIZATION. To departmental  
14 22 revolving, trust, or special funds, except for the primary  
14 23 road fund or the road use tax fund, for which the general  
14 24 assembly has established an operating budget, a supplemental  
14 25 expenditure authorization is provided, unless otherwise  
14 26 provided, in an amount necessary to fund salary adjustments as  
14 27 otherwise provided in this division of this Act.  
14 28 Sec. 19. GENERAL FUND SALARY MONEYS. Funds appropriated  
14 29 from the general fund of the state for distribution from the  
14 30 salary adjustment fund in the section of this division of this  
14 31 Act providing for funding of collective bargaining agreements  
14 32 relate only to salaries supported from general fund  
14 33 appropriations of the state. Funds appropriated from the  
14 34 general fund of the state for employees of the state board of  
14 35 regents relate only to salaries supported from general fund  
15 1 appropriations of the state and shall exclude general  
15 2 university indirect costs and general university federal  
15 3 funds.  
15 4 Sec. 20. FEDERAL FUNDS APPROPRIATED. All federal grants  
15 5 to and the federal receipts of the agencies affected by this  
15 6 division of this Act which are received and may be expended  
15 7 for purposes of this division of this Act are appropriated for  
15 8 those purposes and as set forth in the federal grants or  
15 9 receipts.  
15 10 Sec. 21. STATE TROOPER MEAL ALLOWANCE. The sworn peace  
15 11 officers in the department of public safety who are not  
15 12 covered by a collective bargaining agreement negotiated  
15 13 pursuant to chapter 20 shall receive the same per diem meal  
15 14 allowance as the sworn peace officers in the department of  
15 15 public safety who are covered by a collective bargaining  
15 16 agreement negotiated pursuant to chapter 20.  
15 17 Sec. 22. STATE POLICE OFFICER COUNCIL BARGAINING UNIT ==  
15 18 OVERTIME. Of the funds appropriated from the general fund of  
15 19 the state in the section of this division of this Act  
15 20 providing for funding of collective bargaining agreements, the  
15 21 following amount, or so much thereof as is necessary, shall be  
15 22 allocated to the department of public safety, division of  
15 23 state patrol, to be used for the purpose designated:  
15 24 To provide for expenditures related to the payment of  
15 25 overtime for uniformed peace officers covered by a collective  
15 26 bargaining agreement:  
15 27 ..... \$ 750,000  
15 28 Sec. 23. SALARY MODEL ADMINISTRATOR. The salary model  
15 29 administrator shall work in conjunction with the legislative  
15 30 services agency to maintain the state's salary model used for  
15 31 analyzing, comparing, and projecting state employee salary and  
15 32 benefit information, including information relating to  
15 33 employees of the state board of regents. The department of  
15 34 revenue, the department of administrative services, the five  
15 35 institutions under the jurisdiction of the state board of  
16 1 regents, the judicial district departments of correctional  
16 2 services, and the state department of transportation shall  
16 3 provide salary data to the department of management and the  
16 4 legislative services agency to operate the state's salary  
16 5 model. The format and frequency of provision of the salary  
16 6 data shall be determined by the department of management and  
16 7 the legislative services agency. The information shall be  
16 8 used in collective bargaining processes under chapter 20 and  
16 9 in calculating the funding needs contained within the annual  
16 10 salary adjustment legislation. A state employee organization

16 11 as defined in section 20.3, subsection 4, may request  
16 12 information produced by the model, but the information  
16 13 provided shall not contain information attributable to  
16 14 individual employees.

16 15 Sec. 24. 2007 Iowa Acts, Senate File 563, section 2,  
16 16 subsection 1, unnumbered paragraph 2, if enacted, is amended  
16 17 to read as follows:

16 18 Notwithstanding section 602.9104, for the state's  
16 19 contribution to the judicial retirement fund in the amount of  
16 20 ~~22.5~~ 20.86 percent of the basic salaries of the judges covered  
16 21 under chapter 602, article 9:

16 22 ..... \$ ~~3,450,963~~  
16 23 3,050,963

16 24 Sec. 25. Section 20.5, subsection 3, Code 2007, is amended  
16 25 to read as follows:

16 26 3. In selecting the members of the board, consideration  
16 27 shall be given to their knowledge, ability, and experience in  
16 28 the field of labor-management relations. The chairperson and  
16 29 the remaining two members shall ~~each receive an annual salary~~  
~~16 30 as set by the general assembly~~ be compensated as provided in  
16 31 section 7E.6, subsection 5.

16 32 Sec. 26. Section 99D.6, Code 2007, is amended to read as  
16 33 follows:

16 34 99D.6 CHAIRPERSON == ADMINISTRATOR == EMPLOYEES == DUTIES  
16 35 == BOND.

17 1 The commission shall elect in July of each year one of its  
17 2 members as chairperson for the succeeding year. The  
17 3 commission shall appoint an administrator of the commission  
17 4 subject to confirmation by the senate. The administrator  
17 5 shall serve a four-year term. The term shall begin and end in  
17 6 the same manner as set forth in section 69.19. A vacancy  
17 7 shall be filled for the unexpired portion of the term in the  
17 8 same manner as a full-term appointment is made. The  
17 9 administrator may hire other assistants and employees as  
17 10 necessary to carry out the commission's duties. Employees in  
17 11 the positions of equine veterinarian, canine veterinarian, and  
17 12 equine steward shall be exempt from the merit system  
17 13 provisions of chapter 8A, subchapter IV, and shall not be  
17 14 covered by a collective bargaining agreement. Some or all of  
17 15 the information required of applicants in section 99D.8A,  
17 16 subsections 1 and 2, may also be required of employees of the  
17 17 commission if the commission deems it necessary. The  
17 18 administrator shall keep a record of the proceedings of the  
17 19 commission and preserve the books, records, and documents  
17 20 entrusted to the administrator's care. The administrator  
17 21 shall be covered by the blanket surety bond of the state  
17 22 purchased pursuant to section 8A.321, subsection 13. ~~Subject~~  
~~17 23 to the approval of the governor, the commission shall fix the~~  
~~17 24 compensation of the administrator within the salary range as~~  
~~17 25 set by the general assembly. The compensation and employment~~  
~~17 26 terms of the administrator shall be set by the governor,~~  
~~17 27 taking into consideration the level of knowledge and~~  
~~17 28 experience of the administrator.~~ The commission shall have  
17 29 its headquarters in the city of Des Moines and shall meet in  
17 30 July of each year and at other times and places as it finds  
17 31 necessary for the discharge of its duties.

17 32 Sec. 27. Section 421.1A, subsection 6, Code 2007, is  
17 33 amended to read as follows:

17 34 6. The members of the property assessment appeal board  
17 35 shall receive compensation from the state commensurate with  
18 1 the salary of a district judge through December 31, 2013. The  
18 2 members of the board shall be considered state employees for  
18 3 purposes of salary and benefits. The members of the board and  
18 4 any employees of the board, when required to travel in the  
18 5 discharge of official duties, shall be paid their actual and  
18 6 necessary expenses incurred in the performance of duties.

18 7 Sec. 28. Section 602.1301, subsection 2, paragraph b, Code  
18 8 2007, is amended to read as follows:

18 9 b. Before December 1, the supreme court shall submit to  
18 10 the director of management an estimate of the total  
18 11 expenditure requirements of the judicial branch including a  
18 12 detailed listing of requested increases in salaries of all  
18 13 judges and magistrates for the succeeding fiscal year. The  
18 14 director of management shall submit this estimate received  
18 15 from the supreme court to the governor for inclusion without  
18 16 change in the governor's proposed budget for the succeeding  
18 17 fiscal year. The estimate shall also be submitted to the  
18 18 chairpersons of the committees on appropriations.

18 19 DIVISION IV  
18 20 OTHER APPROPRIATIONS  
18 21 AND RELATED MATTERS

18 22 Sec. 29. CAPITOL COMPLEX SHUTTLE. There is appropriated  
18 23 from the general fund of the state to the department of  
18 24 administrative services for the fiscal year beginning July 1,  
18 25 2007, and ending June 30, 2008, the following amount, or so  
18 26 much thereof as is necessary, to be used for the purpose  
18 27 designated:

18 28 For the state's share of support in conjunction with the  
18 29 city of Des Moines and local area businesses to provide a free  
18 30 shuttle service to the citizens of Iowa visiting the capitol  
18 31 complex that includes transportation between the capitol  
18 32 complex and the downtown Des Moines area:

18 33 ..... \$ 120,000

18 34 Details for the shuttle service, including the route to be  
18 35 served, shall be determined pursuant to an agreement to be  
19 1 entered into by the department with the Des Moines area  
19 2 regional transit authority (DART) and any other participating  
19 3 entities.

19 4 Sec. 30. MID=AMERICA PORT COMMISSION. There is  
19 5 appropriated from the general fund of the state to the  
19 6 department of economic development for the fiscal year  
19 7 beginning July 1, 2007, and ending June 30, 2008, the  
19 8 following amount, or so much thereof as is necessary, to be  
19 9 used for the purpose designated:

19 10 For support for the mid=America port commission to defray  
19 11 administrative costs:

19 12 ..... \$ 40,000

19 13 Sec. 31. INTERPRETERS FOR THE DEAF. There is appropriated  
19 14 from the general fund of the state to the department of  
19 15 education for the fiscal year beginning July 1, 2007, and  
19 16 ending June 30, 2008, the following amount, or so much thereof  
19 17 as is necessary, to be used for the purpose designated:

19 18 For allocation to the Iowa western community college for  
19 19 salaries and support for interpreters for the deaf:

19 20 ..... \$ 200,000

19 21 Sec. 32. COMMUNITY COLLEGE SALARIES. There is  
19 22 appropriated from the general fund of the state to the  
19 23 department of education for the fiscal year beginning July 1,  
19 24 2007, and ending June 30, 2008, the following amount, or so  
19 25 much thereof as is necessary, to be used for the purpose  
19 26 designated:

19 27 For distribution to community colleges to supplement  
19 28 faculty salaries:

19 29 ..... \$ 2,000,000

19 30 1. Moneys appropriated in this section shall be  
19 31 distributed among each community college based on the  
19 32 proportional share of that community college's total salary  
19 33 expenditures in the instructional and instructional part-time  
19 34 categories in the education functions of liberal arts and  
19 35 sciences and vocational=technical bears to the total salary  
20 1 expenditures for all community colleges in the education  
20 2 functions of liberal arts and sciences and  
20 3 vocational=technical in the fiscal year prior to the base  
20 4 year, as determined by the department of education.

20 5 2. Moneys distributed to each community college under this  
20 6 section shall then be rolled into that base funding allocation  
20 7 for all future years. The use of the funds shall remain as  
20 8 described in this section for all future years.

20 9 3. Moneys appropriated and distributed to community  
20 10 colleges under this section shall be used to supplement and  
20 11 not supplant any approved faculty salary increases or  
20 12 negotiated agreements, excluding the distribution of the funds  
20 13 in this section.

20 14 4. Moneys distributed to a community college under this  
20 15 section shall be allocated to all full-time, nonadministrative  
20 16 instructors and part-time instructors covered by a collective  
20 17 bargaining agreement. The moneys shall be allocated by  
20 18 negotiated agreements according to chapter 20. If no language  
20 19 exists, the moneys shall be allocated equally to all  
20 20 full-time, nonadministrative instructors with part-time  
20 21 instructors covered by a collective bargaining agreement  
20 22 receiving a prorated share of the fund.

20 23 Sec. 33. DEPARTMENT OF ELDER AFFAIRS.

20 24 1. There is appropriated from the general fund of the  
20 25 state to the department of elder affairs for the fiscal year  
20 26 beginning July 1, 2007, and ending June 30, 2008, the  
20 27 following amount, or so much thereof as is necessary, to be  
20 28 used for the purposes designated:

20 29 To join in a partnership with a county described in  
20 30 subsection 2 to be used to fund a livable community initiative  
20 31 and hire a full-time professional aging specialist for the  
20 32 initiative:

20 33 ..... \$ 75,000

20 34 2. The county eligible for the appropriation in subsection  
20 35 1 shall meet all of the following qualifications:

21 1 a. Have a livable community initiative, supported by the  
21 2 county board of supervisors, the area agency on aging, the  
21 3 united way, the county public health department and others.

21 4 b. Have completed a market analysis on successful aging  
21 5 and issued reports containing future directions for housing,  
21 6 transportation, health and supportive services, and successful  
21 7 aging.

21 8 c. Have organized action teams who are developing action  
21 9 plans to implement the priorities established at a countywide  
21 10 planning session with national leadership.

21 11 3. The purpose of the professional aging specialist hired  
21 12 under this section is to help in the implementation of the  
21 13 action plans being developed and to work with the  
21 14 governmental, business, educational, health, religious,  
21 15 social, leisure, and service segments of the urban-rural  
21 16 county to create a replicable and portable model of a livable  
21 17 community where persons can age successfully.

21 18 Sec. 34. READY RESERVE == APPROPRIATION. There is  
21 19 appropriated from the general fund of the state to the  
21 20 department of public defense for the fiscal year beginning  
21 21 July 1, 2007, and ending June 30, 2008, the following amount,  
21 22 or so much thereof as is necessary, to be used for the  
21 23 purposes designated:

21 24 For initial implementation of the disaster behavioral  
21 25 health responder ready reserve by the homeland security and  
21 26 emergency management division in accordance with section  
21 27 29C.23, as enacted by this division of this Act:

21 28 ..... \$ 75,000

21 29 Sec. 35. STATE BOARD OF REGENTS == ARTICULATION WEBSITE ==  
21 30 APPROPRIATION. There is appropriated from the general fund of  
21 31 the state to the state board of regents for the fiscal year  
21 32 beginning July 1, 2007, and ending June 30, 2008, the  
21 33 following amount, or so much thereof as is necessary, to be  
21 34 used for the purposes designated:

21 35 For the development, maintenance, and promotion of a credit  
22 1 transfer and articulation internet website for use by students  
22 2 who wish to transfer credits earned at a community college to  
22 3 a state university governed by the board:

22 4 ..... \$ 250,000

22 5 The general assembly finds that as college costs increase,  
22 6 Iowa's community college students need access to resources  
22 7 that allow the students to make informed, cost-effective  
22 8 decisions regarding their postsecondary education plans. It  
22 9 is the intent of the general assembly to provide for a  
22 10 seamless transition for students transferring from Iowa's  
22 11 community colleges to Iowa's state universities. Therefore,  
22 12 the state board of regents shall, in cooperation with the  
22 13 department of education and the community colleges, develop,  
22 14 maintain, and promote a user-friendly credit transfer and  
22 15 articulation internet website that allows Iowans to know at  
22 16 the time of enrollment in a community college course whether  
22 17 the credit will be accepted by the state university of the  
22 18 student's choice, the category in which the university will  
22 19 apply the credit, and to which degree program or programs the  
22 20 university will apply the credit. The board and the community  
22 21 colleges shall continuously strive to improve upon the  
22 22 coordinating efforts between the state universities and the  
22 23 community colleges to map and articulate community college  
22 24 courses for college credit with the degree programs offered at  
22 25 the state universities. The website shall be operational not  
22 26 later than July 1, 2008.

22 27 Sec. 36. ALL IOWA OPPORTUNITY ASSISTANCE PROGRAM. If 2007  
22 28 Iowa Acts, Senate File 588, is enacted and provides for an  
22 29 appropriation from the general fund of the state to the  
22 30 college student aid commission for the fiscal year beginning  
22 31 July 1, 2007, and ending June 30, 2008, for the all Iowa  
22 32 opportunity assistance program, there is appropriated to  
22 33 supplement that appropriation as follows:

22 34 For purposes of the all Iowa opportunity assistance  
22 35 program, which includes the all Iowa opportunity foster care  
23 1 grant program established pursuant to section 261.6 and the  
23 2 all Iowa opportunity scholarship program established pursuant  
23 3 to section 261.88, if sections 261.6 and 261.88 are enacted by  
23 4 2007 Iowa Acts, Senate File 588:

23 5 ..... \$ 2,000,000

23 6 The moneys appropriated in this section shall be used for  
23 7 the all Iowa opportunity scholarship program established  
23 8 pursuant to section 261.88, if enacted.

23 9       Sec. 37. BEFORE AND AFTER SCHOOL GRANT PROGRAM. If 2007  
23 10 Iowa Acts, Senate File 588, is enacted and provides for an  
23 11 appropriation from the general fund of the state to the  
23 12 department of education for the fiscal year beginning July 1,  
23 13 2007, and ending June 30, 2008, for the before and after  
23 14 school grant program, there is appropriated to supplement that  
23 15 appropriation as follows:  
23 16       For the before and after school grant program established  
23 17 pursuant to section 256.26, if enacted by 2007 Iowa Acts,  
23 18 Senate File 588:  
23 19 ..... \$       295,000  
23 20       Sec. 38. FARM MEDIATION. If 2007 Iowa Acts, Senate File  
23 21 575, is enacted and provides for an appropriation from the  
23 22 general fund of the state to the department of justice for the  
23 23 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
23 24 for the purpose of funding farm mediation services, there is  
23 25 appropriated to supplement that appropriation as follows:  
23 26       For the purpose of funding farm mediation services and  
23 27 other farm assistance program provisions in accordance with  
23 28 sections 13.13 through 13.24:  
23 29 ..... \$       150,000  
23 30       Sec. 39. DEPARTMENT OF PUBLIC HEALTH == 211 PROGRAM.  
23 31 There is appropriated from the general fund of the state to  
23 32 the department of public health for the fiscal year beginning  
23 33 July 1, 2007, and ending June 30, 2008, the following amount,  
23 34 or so much thereof as is necessary, to be used for the  
23 35 purposes designated:  
24 1       For a grant to be determined by the director of the  
24 2 department for a nonprofit organization exempt from federal  
24 3 income tax under section 501(c) of the federal Internal  
24 4 Revenue Code that is operating 211 program call centers on a  
24 5 statewide basis for community information and referral  
24 6 services:  
24 7 ..... \$       500,000  
24 8       The nonprofit organization shall cooperate with the  
24 9 department and shall provide a report on its activities and  
24 10 accomplishments to the general assembly by January 15, 2008.  
24 11       Sec. 40. JUDICIAL BRANCH. There is appropriated from the  
24 12 general fund of the state to the judicial branch for the  
24 13 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
24 14 the following amount, or so much thereof as is necessary, for  
24 15 the purposes designated:  
24 16       For salaries, support, and miscellaneous purposes:  
24 17 ..... \$ 14,000,000  
24 18       The amount appropriated in this section is a supplement to  
24 19 the appropriations made for these purposes in 2007 Iowa Acts,  
24 20 Senate File 563, if enacted.  
24 21       Sec. 41. INDIGENT DEFENSE PROGRAM. There is appropriated  
24 22 from the general fund of the state to the office of state  
24 23 public defender of the department of inspections and appeals  
24 24 for the fiscal year beginning July 1, 2007, and ending June  
24 25 30, 2008, the following amount, or so much thereof as is  
24 26 necessary, for the purposes designated:  
24 27       For the indigent defense program:  
24 28 ..... \$       3,000,000  
24 29       The amount appropriated in this section is a supplement to  
24 30 the appropriations made for these purposes in 2007 Iowa Acts,  
24 31 Senate File 575, if enacted.  
24 32       Sec. 42. NEWTON CORRECTIONAL FACILITY. There is  
24 33 appropriated from the general fund of the state to the  
24 34 department of corrections for the fiscal year beginning July  
24 35 1, 2007, and ending June 30, 2008, the following amount, or so  
25 1 much thereof as is necessary, for the purposes designated:  
25 2       For the Newton correctional facility:  
25 3 ..... \$       560,000  
25 4       The amount appropriated in this section is a supplement to  
25 5 the appropriations made for these purposes in 2007 Iowa Acts,  
25 6 Senate File 575, if enacted.  
25 7       Sec. 43. LEGAL SERVICES POVERTY GRANTS. There is  
25 8 appropriated from the general fund of the state to the office  
25 9 of attorney general for the fiscal year beginning July 1,  
25 10 2007, and ending June 30, 2008, the following amount, or so  
25 11 much thereof as is necessary, for the purposes designated:  
25 12       For legal services for persons in poverty grants as  
25 13 provided in section 13.34:  
25 14 ..... \$       450,000  
25 15       The amount appropriated in this section is a supplement to  
25 16 the appropriations made for these purposes in 2007 Iowa Acts,  
25 17 Senate File 575, if enacted.  
25 18       Sec. 44. IOWA JUNIOR ANGUS ASSOCIATION. There is  
25 19 appropriated from the general fund of the state to the

25 20 department of agriculture and land stewardship for the fiscal  
25 21 year beginning July 1, 2007, and ending June 30, 2008, the  
25 22 following amount, or so much thereof as is necessary, to be  
25 23 used for the purpose designated:

25 24 For allocation to the Iowa junior angus association in  
25 25 connection with the 2008 national junior angus show:  
25 26 ..... \$ 10,000

25 27 Sec. 45. STATE EMPLOYEE TELECOMMUTING == POLICY. Any  
25 28 director of a department or state agency who is subject to a  
25 29 requirement to develop a telecommuter employment policy and  
25 30 plans shall develop the policy and plans in consultation with  
25 31 representatives of the collective bargaining units of the  
25 32 employees affected by the policy and plans.

25 33 Sec. 46. 2006 Iowa Acts, chapter 1177, section 16,  
25 34 subsection 4, is amended by adding the following new  
25 35 unnumbered paragraph:

26 1 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,  
26 2 moneys appropriated in this subsection that remain  
26 3 unencumbered or unobligated at the close of the fiscal year  
26 4 shall not revert but shall remain available for expenditure  
26 5 for the purposes designated during the succeeding fiscal year.

26 6 Sec. 47. 2006 Iowa Acts, chapter 1180, section 5,  
26 7 subsection 6, is amended by adding the following new  
26 8 unnumbered paragraph:

26 9 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,  
26 10 moneys appropriated in this subsection that remain  
26 11 unencumbered or unobligated at the close of the fiscal year  
26 12 shall not revert but shall remain available for expenditure  
26 13 for the purposes designated until the close of the succeeding  
26 14 fiscal year.

26 15 Sec. 48. 2007 Iowa Acts, Senate File 562, section 1,  
26 16 subsection 6, if enacted, is amended by adding the following  
26 17 new unnumbered paragraph:

26 18 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,  
26 19 moneys appropriated in this subsection that remain  
26 20 unencumbered or unobligated at the close of the fiscal year  
26 21 shall not revert but shall remain available for expenditure  
26 22 for the purposes designated until the close of the succeeding  
26 23 fiscal year.

26 24 Sec. 49. 2007 Iowa Acts, House File 752, section 1,  
26 25 subsection 2, paragraph a, if enacted, is amended to read as  
26 26 follows:

26 27 a. Operations:  
26 28 ..... \$ 6,237,000  
26 29 ..... 6,253,800

26 30 Sec. 50. 2007 Iowa Acts, House File 752, section 2,  
26 31 subsection 1, paragraph a, if enacted, is amended to read as  
26 32 follows:

26 33 a. Operations:  
26 34 ..... \$ 38,311,652  
26 35 ..... 38,414,852  
27 1 ..... FTEs 305.00  
27 2 ..... 306.00

27 3 Sec. 51. NEW SECTION. 15.391 WORLD FOOD PRIZE AWARD AND  
27 4 SUPPORT.

27 5 1. Commencing with the fiscal year beginning July 1, 2008,  
27 6 there is annually appropriated from the general fund of the  
27 7 state to the department one million dollars for the support of  
27 8 the world food prize award.

27 9 2. The Iowa state capitol is designated as the primary  
27 10 location for the annual ceremony to award the world food  
27 11 prize.

27 12 Sec. 52. NEW SECTION. 15.392 WORLD FOOD PRIZE YOUTH  
27 13 INSTITUTE.

27 14 1. As a condition of receiving state funding, the entity  
27 15 awarding the world food prize shall establish a world food  
27 16 prize youth institute program in honor of Nobel peace prize  
27 17 laureate Dr. Norman E. Borlaug. The purpose of the program  
27 18 shall be to provide an educational opportunity and forum for  
27 19 high school students in this state who have an interest in  
27 20 food, agriculture, or natural resources disciplines.

27 21 2. State funding for the world food prize youth institute  
27 22 for a fiscal year shall be allocated from the appropriation  
27 23 made for the support of the world food prize award.

27 24 3. A world food prize youth institute advisory committee  
27 25 is established to advise and support the institute. The  
27 26 advisory committee shall receive regular updates concerning  
27 27 the status of the institute. The membership of the advisory  
27 28 committee shall include two members of the senate, one each  
27 29 appointed by the majority and minority party leaders, and two  
27 30 members of the house of representatives appointed by the

27 31 speaker and minority leader of the house of representatives.  
27 32 In addition, the governor shall appoint two members. The  
27 33 terms of the legislative and executive branch appointments  
27 34 shall coincide with each legislative biennium. A vacancy in a  
27 35 legislative or executive branch appointment shall be filled  
28 1 for the balance of the unexpired term by the original  
28 2 appointing authority.

28 3 4. Staff support for the advisory committee shall be  
28 4 provided by the department of economic development.

28 5 Sec. 53. NEW SECTION. 29C.23 DISASTER BEHAVIORAL HEALTH  
28 6 RESPONDER READY RESERVE.

28 7 1. The administrator of the homeland security and  
28 8 emergency management division shall provide for the ongoing  
28 9 existence of a disaster behavioral health responder ready  
28 10 reserve in accordance with this section. The purpose of the  
28 11 reserve is to maintain a group of trained individuals to work  
28 12 with state and local officials and others in providing crisis  
28 13 counseling assistance in response to crises, disasters, and  
28 14 public disorder emergencies.

28 15 2. The ready reserve shall be considered to be a homeland  
28 16 security and emergency response team for purposes of section  
28 17 29C.8, and the members of the ready reserve shall be subject  
28 18 to section 29C.8 when the ready reserve is acting as a  
28 19 homeland security and emergency response team upon the  
28 20 directive of the administrator or pursuant to a governor's  
28 21 disaster emergency proclamation as provided in section 29C.6.

28 22 3. The membership of the ready reserve may include but is  
28 23 not limited to nurses, social workers, teachers, farmers,  
28 24 mental health professionals, college students, and other  
28 25 persons trained to serve as a disaster behavioral health  
28 26 responder.

28 27 4. Functions associated with maintaining the existence of  
28 28 the ready reserve shall include administration, project  
28 29 activities, provision of information through the internet,  
28 30 initial and ongoing training of ready reserve members, and  
28 31 other related activities. The administrator may contract for  
28 32 the performance of all or a part of the functions described in  
28 33 this subsection.

28 34 5. Implementation of the ready reserve is subject to the  
28 35 funding appropriated or made available for purposes of the  
29 1 ready reserve.

29 2 Sec. 54. Section 256D.5, subsection 4, Code 2007, is  
29 3 amended to read as follows:

29 4 4. For each fiscal year of the fiscal period beginning  
29 5 July 1, 2004, and ending June 30, ~~2007~~ 2012, the sum of  
29 6 twenty-nine million two hundred fifty thousand dollars.

29 7 Sec. 55. Section 256D.9, Code 2007, is amended to read as  
29 8 follows:

29 9 256D.9 FUTURE REPEAL.

29 10 This chapter is repealed effective July 1, ~~2007~~ 2012.

29 11 Sec. 56. Section 279.51, subsection 1, Code 2007, is  
29 12 amended to read as follows:

29 13 1. There is appropriated from the general fund of the  
29 14 state to the department of education for the fiscal year  
29 15 beginning July 1, ~~2000~~ 2007, and each succeeding fiscal year,  
29 16 the sum of twelve million ~~five~~ six hundred ~~sixty~~ six thousand  
29 17 ~~one hundred ninety-six~~ dollars.

29 18 The moneys shall be allocated as follows:

29 19 a. Two hundred seventy-five thousand ~~eight hundred~~  
29 20 ~~sixty-four~~ dollars of the funds appropriated shall be

29 21 allocated to the area education agencies to assist school  
29 22 districts in developing program plans and budgets under this  
29 23 section and to assist school districts in meeting other  
29 24 responsibilities in early childhood education.

29 25 b. For the fiscal year beginning July 1, ~~1998~~ 2007, and  
29 26 for each succeeding fiscal year, eight million five hundred  
29 27 ~~ten~~ thirty-six thousand ~~seven hundred forty~~ dollars of the  
29 28 funds appropriated shall be allocated to the child development  
29 29 coordinating council established in chapter 256A for the  
29 30 purposes set out in subsection 2 of this section and section  
29 31 256A.3.

29 32 c. For the fiscal year beginning July 1, ~~1996~~ 2007, and  
29 33 for each fiscal year thereafter, three million five hundred  
29 34 ~~ten~~ thousand nine hundred ninety-two dollars of the funds  
29 35 appropriated shall be allocated as grants to school districts  
30 1 that have elementary schools that demonstrate the greatest  
30 2 need for programs for at-risk students with preference given  
30 3 to innovative programs for the early elementary school years.  
30 4 School districts receiving grants under this paragraph shall  
30 5 at a minimum provide activities and materials designed to  
30 6 encourage children's self-esteem, provide role modeling and

30 7 mentoring techniques in social competence and social skills,  
30 8 and discourage inappropriate drug use. The grant allocations  
30 9 made in this paragraph may be renewed for additional periods  
30 10 of time. Of the amount allocated under this paragraph for  
30 11 each fiscal year, seventy-five thousand dollars shall be  
30 12 allocated to school districts which have an actual student  
30 13 population of ten thousand or less and have an actual  
30 14 non-English speaking student population which represents  
30 15 greater than five percent of the total actual student  
30 16 population for grants to elementary schools in those  
30 17 districts.

30 18 d. Notwithstanding section 256A.3, subsection 6, of the  
30 19 amount appropriated in this subsection for the fiscal year  
30 20 beginning July 1, ~~1996~~ 2007, and for each succeeding fiscal  
30 21 year, ~~two and one-fourth percent up to two hundred eighty-two~~  
30 22 ~~thousand six hundred dollars~~ may be used for administrative  
30 23 costs. ~~Any reduction of an allocation under this subsection~~  
30 24 ~~as necessary to fund the provisions of this paragraph shall be~~  
30 25 ~~made from the allocation in paragraph "b".~~

30 26 Sec. 57. Section 602.1304, subsection 2, paragraph b, Code  
30 27 2007, is amended to read as follows:

30 28 b. For each fiscal year, a judicial collection estimate  
30 29 for that fiscal year shall be equally and proportionally  
30 30 divided into a quarterly amount. The judicial collection  
30 31 estimate shall be calculated by using the state revenue  
30 32 estimating conference estimate made by December 15 pursuant to  
30 33 section 8.22A, subsection 3, of the total amount of fines,  
30 34 fees, civil penalties, costs, surcharges, and other revenues  
30 35 collected by judicial officers and court employees for deposit

31 1 into the general fund of the state. The revenue estimating  
31 2 conference estimate shall be reduced by the maximum amounts  
31 3 allocated to the Iowa prison infrastructure fund pursuant to  
31 4 section 602.8108A, the court technology and modernization fund  
31 5 pursuant to section 602.8108, subsection 7, ~~the judicial~~  
31 6 ~~branch pursuant to section 602.8108, subsection 8, the~~  
31 7 ~~department of inspections and appeals pursuant to section~~  
31 8 ~~602.8108, subsection 9, the office of attorney general~~  
31 9 ~~pursuant to section 602.8108, subsection 10, the department of~~  
31 10 ~~corrections pursuant to section 602.8108, subsection 11, and~~  
31 11 the road use tax fund pursuant to section 602.8108, subsection  
31 12 12, and the remainder shall be the judicial collection  
31 13 estimate. In each quarter of a fiscal year, after revenues  
31 14 collected by judicial officers and court employees equal to  
31 15 that quarterly amount are deposited into the general fund of  
31 16 the state, after the required amount is deposited during the  
31 17 quarter into the Iowa prison infrastructure fund pursuant to  
31 18 section 602.8108A, into the court technology and modernization  
31 19 fund pursuant to section 602.8108, subsection 7, and into the  
31 20 road use tax fund pursuant to section 602.8108, subsection 12,  
31 21 ~~after the required amount is allocated to the judicial branch~~  
31 22 ~~pursuant to section 602.8108, subsection 8, and after the~~  
31 23 ~~required amount is allocated to the department of inspections~~  
31 24 ~~and appeals pursuant to section 602.8108, subsection 9, the~~  
31 25 ~~office of attorney general pursuant to section 602.8108,~~  
31 26 ~~subsection 10, and the department of corrections pursuant to~~  
31 27 ~~section 602.8108, subsection 11, the director of the~~

31 28 department of administrative services shall deposit the  
31 29 remaining revenues for that quarter into the enhanced court  
31 30 collections fund in lieu of the general fund. However, after  
31 31 total deposits into the collections fund for the fiscal year  
31 32 are equal to the maximum deposit amount established for the  
31 33 collections fund, remaining revenues for that fiscal year  
31 34 shall be deposited into the general fund. If the revenue  
31 35 estimating conference agrees to a different estimate at a  
32 1 later meeting which projects a lesser amount of revenue than  
32 2 the initial estimate amount used to calculate the judicial  
32 3 collection estimate, the director of the department of  
32 4 administrative services shall recalculate the judicial  
32 5 collection estimate accordingly. If the revenue estimating  
32 6 conference agrees to a different estimate at a later meeting  
32 7 which projects a greater amount of revenue than the initial  
32 8 estimate amount used to calculate the judicial collection  
32 9 estimate, the director of the department of administrative  
32 10 services shall recalculate the judicial collection estimate  
32 11 accordingly but only to the extent that the greater amount is  
32 12 due to an increase in the fines, fees, civil penalties, costs,  
32 13 surcharges, or other revenues allowed by law to be collected  
32 14 by judicial officers and court employees.

32 15 Sec. 58. Section 602.8108, subsections 8, 9, 10, and 11,  
32 16 Code 2007, are amended by striking the subsections.

32 17 Sec. 59. EFFECTIVE DATE. The section of this division of

32 18 this Act amending section 256D.9, being deemed of immediate  
32 19 importance, takes effect upon enactment.  
32 20 Sec. 60. EFFECTIVE DATE. The section of this division of  
32 21 this Act amending 2006 Iowa Acts, chapter 1177, being deemed  
32 22 of immediate importance, takes effect upon enactment.  
32 23 Sec. 61. EFFECTIVE DATE. The section of this division of  
32 24 this Act amending 2006 Iowa Acts, chapter 1180, section 5,  
32 25 being deemed of immediate importance, takes effect upon  
32 26 enactment.

32 27 DIVISION V

32 28 MISCELLANEOUS STATUTORY CHANGES

32 29 Sec. 62. Section 8A.363, subsection 1, Code 2007, is  
32 30 amended to read as follows:

32 31 1. A state officer or employee shall not use a state-owned  
32 32 motor vehicle for personal private use. A state officer or  
32 33 employee shall not be compensated for driving a privately  
32 34 owned motor vehicle unless it is done on state business with  
32 35 the approval of the director. In that case the state officer  
33 1 or employee shall receive an amount to be determined by the  
33 2 director. The amount shall ~~not exceed~~ be not less than ninety  
33 3 percent of the maximum or not more than one hundred ten  
33 4 percent of the maximum allowable under the federal internal  
33 5 revenue service rules per mile, notwithstanding established  
33 6 mileage requirements or depreciation allowances. However, the  
33 7 director may authorize private motor vehicle rates in excess  
33 8 of one hundred ten percent of the rate allowed under the  
33 9 federal internal revenue service rules for state business use  
33 10 of substantially modified or specially equipped privately  
33 11 owned vehicles required by persons with disabilities. A  
33 12 statutory provision establishing reimbursement for necessary  
33 13 mileage, travel, or actual expenses to a state officer falls  
33 14 under the private motor vehicle mileage rate limitation  
33 15 provided in this section unless specifically provided  
33 16 otherwise. Any peace officer employed by the state as defined  
33 17 in section 801.4 who is required to use a private motor  
33 18 vehicle in the performance of official duties shall receive  
33 19 the private vehicle mileage rate at the rate provided in this  
33 20 section. However, the director may delegate authority to  
33 21 officials of the state, and department heads, for the use of  
33 22 private vehicles on state business up to a yearly mileage  
33 23 figure established by the director. If a state motor vehicle  
33 24 has been assigned to a state officer or employee, the officer  
33 25 or employee shall not collect mileage for the use of a  
33 26 privately owned motor vehicle unless the state motor vehicle  
33 27 assigned is not useable.

33 28 Sec. 63. Section 15I.3, subsection 4, Code 2007, is  
33 29 amended to read as follows:

33 30 4. The total amount of tax credit certificates that may be  
33 31 issued for a fiscal year under this chapter shall not exceed  
33 32 ten million dollars for the fiscal years beginning before July  
33 33 1, 2007, and shall not exceed four million dollars for fiscal  
33 34 years beginning on or after July 1, 2007. The department  
33 35 shall establish by rule the procedures for the application,  
34 1 review, selection, awarding of certificates, and the method to  
34 2 be used to determine for which fiscal year the tax credits are  
34 3 available. If the approved tax credits exceed the maximum  
34 4 amount for a fiscal year, tax credit certificates shall be  
34 5 issued on an earliest date applied basis.

34 6 Sec. 64. Section 28D.3, subsection 4, Code 2007, is  
34 7 amended to read as follows:

34 8 4. Persons employed by the department of natural  
34 9 resources, department of administrative services, and the Iowa  
34 10 communications network under this chapter are not subject to  
34 11 the twenty-four-month time limitation specified in subsection  
34 12 2.

34 13 Sec. 65. Section 85.66, Code 2007, is amended to read as  
34 14 follows:

34 15 85.66 SECOND INJURY FUND == CREATION == CUSTODIAN.

34 16 The "Second Injury Fund" is hereby established under the  
34 17 custody of the treasurer of state and shall consist of  
34 18 payments to the fund as provided by this division and any  
34 19 accumulated interest and earnings on moneys in the second  
34 20 injury fund. The treasurer of state is charged with the  
34 21 conservation of the assets of the second injury fund. Moneys  
34 22 collected in the "Second Injury Fund" shall be disbursed only  
34 23 for the purposes stated in this division, and shall not at any  
34 24 time be appropriated or diverted to any other use or purpose.  
34 25 The treasurer of state shall invest any surplus moneys of the  
34 26 fund in securities which constitute legal investments for  
34 27 state funds under the laws of this state, and may sell any of  
34 28 the securities in which the fund is invested, if necessary,

34 29 for the proper administration or in the best interests of the  
34 30 fund. Disbursements from the fund shall be paid by the  
34 31 treasurer of state only upon the written order of the workers'  
34 32 compensation commissioner. The attorney general shall be  
34 33 reimbursed up to one hundred fifty thousand dollars annually  
34 34 from the fund for services provided related to the fund. The  
34 35 treasurer of state shall quarterly prepare a statement of the  
35 1 fund, setting forth the balance of moneys in the fund, the  
35 2 income of the fund, specifying the source of all income, the  
35 3 payments out of the fund, specifying the various items of  
35 4 payments, and setting forth the balance of the fund remaining  
35 5 to its credit. The statement shall be open to public  
35 6 inspection in the office of the treasurer of state.

35 7 Sec. 66. Section 85.67, Code 2007, is amended to read as  
35 8 follows:

35 9 85.67 ADMINISTRATION OF FUND == SPECIAL COUNSEL == PAYMENT  
35 10 OF AWARD.

35 11 The attorney general shall appoint a staff member to  
35 12 represent the treasurer of state and the fund in all  
35 13 proceedings and matters arising under this division. The  
35 14 attorney general shall be reimbursed up to one hundred fifty  
35 15 thousand dollars annually from the fund for services provided  
35 16 related to the fund. The commissioner of insurance shall  
35 17 consider the reimbursement to the attorney general as an  
35 18 outstanding liability when making a determination of funding  
35 19 availability under section 85.65A, subsection 2. In making an  
35 20 award under this division, the workers' compensation  
35 21 commissioner shall specifically find the amount the injured  
35 22 employee shall be paid weekly, the number of weeks of  
35 23 compensation which shall be paid by the employer, the date  
35 24 upon which payments out of the fund shall begin, and, if  
35 25 possible, the length of time the payments shall continue.

35 26 Sec. 67. NEW SECTION. 190A.1 FARM=TO=SCHOOL PROGRAM.

35 27 A farm-to-school program is established to encourage and  
35 28 promote the purchase of locally and regionally produced or  
35 29 processed food in order to improve child nutrition and  
35 30 strengthen local and regional farm economies.

35 31 Sec. 68. NEW SECTION. 190A.2 FARM=TO=SCHOOL COUNCIL.

35 32 1. A farm-to-school council is established and made up of  
35 33 seven members representing the following associations or state  
35 34 departments:

35 35 a. One member representing the Iowa school nutrition  
36 1 association.

36 2 b. One member representing the Iowa association for  
36 3 health, physical education, recreation and dance with  
36 4 expertise in health.

36 5 c. One Iowa fruit or vegetable producer.

36 6 d. One Iowa organic meat producer.

36 7 e. The director of the Leopold center or the director's  
36 8 designee.

36 9 f. The director of the department of agriculture and land  
36 10 stewardship or the director's designee.

36 11 g. The director of the department of education or the  
36 12 director's designee.

36 13 2. The members listed under subsection 1, paragraphs "a"  
36 14 through "d", shall be selected by the governor without senate  
36 15 confirmation and shall serve at the pleasure of the governor.

36 16 Sec. 69. NEW SECTION. 190A.3 GOALS AND STRATEGIES.

36 17 1. The program seeks to link elementary and secondary  
36 18 public and nonpublic schools in this state with Iowa farms to  
36 19 provide schools with fresh and minimally processed food for  
36 20 inclusion in school meals and snacks, encourages children to  
36 21 develop healthy eating habits, and provide Iowa farmers access  
36 22 to consumer markets.

36 23 2. The farm-to-school program may include activities that  
36 24 provide students with hands-on learning opportunities, such as  
36 25 farm visits, cooking demonstrations, and school gardening and  
36 26 composting programs.

36 27 3. The farm-to-school council shall seek to establish  
36 28 partnerships with public agencies and nonprofit organizations  
36 29 to implement a structure to facilitate communication between  
36 30 farmers and schools.

36 31 4. The farm-to-school council shall actively seek  
36 32 financial or in-kind contributions from organizations or  
36 33 persons to support the program.

36 34 Sec. 70. NEW SECTION. 190A.4 AGENCY COOPERATION.

36 35 The department of agriculture and land stewardship and the  
37 1 department of education shall provide information regarding  
37 2 the Iowa farm-to-school program in an electronic format on the  
37 3 department's internet website.

37 4 Sec. 71. NEW SECTION. 214A.2B LABORATORY FOR MOTOR FUEL

37 5 AND BIOFUELS.

37 6 A laboratory for motor fuel and biofuels is established at  
37 7 a merged area school which is engaged in biofuels testing on  
37 8 July 1, 2007, and which testing includes but is not limited to  
37 9 B20 biodiesel testing for motor trucks and the ability of  
37 10 biofuels to meet A.S.T.M. international standards. The  
37 11 laboratory shall conduct testing of motor fuel sold in this  
37 12 state and biofuel which is blended in motor fuel in this state  
37 13 to ensure that the motor fuel or biofuels meet the  
37 14 requirements in section 214A.2.

37 15 Sec. 72. Section 216A.121, subsection 3, if enacted by  
37 16 2007 Iowa Acts, House File 826, section 1, is amended to read  
37 17 as follows:

37 18 3. MEMBERSHIP.

37 19 a. The commission shall consist of ~~twenty-one~~ twenty-two  
37 20 members, including ~~seventeen~~ eighteen voting members and four  
37 21 nonvoting members.

37 22 (1) The voting members shall be as follows:

37 23 (a) The governor or the governor's designee.

37 24 (b) One member, appointed by the governor, who is an Iowa  
37 25 designated representative to the federal Abraham Lincoln  
37 26 bicentennial commission governors' council.

37 27 (c) One member appointed by the president of Humanities  
37 28 Iowa.

37 29 (d) One member appointed by the director of the department  
37 30 of economic development.

37 31 (e) One member appointed by the administrator of the state  
37 32 historical society of Iowa.

37 33 (f) One member appointed by the executive director of the  
37 34 Iowa arts council.

37 35 (g) One member appointed by the executive director of the  
38 1 Iowa museum society.

38 2 (h) One member appointed by the president of the league of  
38 3 Iowa human rights agencies.

38 4 (i) One member appointed by the president of the Iowa  
38 5 league of cities.

38 6 (ii) One member appointed by the executive director of the  
38 7 Iowa state association of counties.

38 8 (j) One member appointed by the director of the department  
38 9 of education.

38 10 (k) One member appointed by the chairperson of the state  
38 11 board of regents.

38 12 (l) One member appointed by the president of the Iowa  
38 13 library board.

38 14 (m) One member appointed by the chairperson of the Iowa  
38 15 state chapter of the national association for the advancement  
38 16 of colored people.

38 17 (n) Four public members, appointed by the governor, with a  
38 18 demonstrated interest in history and substantial knowledge and  
38 19 appreciation of Abraham Lincoln.

38 20 (2) The nonvoting members shall be two state  
38 21 representatives, one appointed by the speaker of the house of  
38 22 representatives and one by the minority leader of the house,  
38 23 and two state senators, one appointed by the majority leader  
38 24 of the senate and one by the minority leader of the senate.

38 25 b. ~~Nine~~ Ten voting members of the board shall constitute a  
38 26 quorum. Persons making appointments shall consult with one  
38 27 another to ensure that the commission is balanced by gender,  
38 28 political affiliation, and geographic location, and to ensure  
38 29 selection of members representing diverse interest groups.  
38 30 The provisions of chapters 21 and 22 shall apply to meetings  
38 31 and records of the commission.

38 32 c. The commission shall elect a chairperson and vice  
38 33 chairperson from the members of the commission. Commission  
38 34 members shall serve without compensation, but shall be  
38 35 reimbursed for actual and necessary expenses.

39 1 Sec. 73. Section 237A.13, Code 2007, is amended by adding  
39 2 the following new subsection:

39 3 NEW SUBSECTION. 3A. The department's billing and payment  
39 4 provisions for the program shall allow providers to elect  
39 5 either biweekly or monthly billing and payment for child care  
39 6 provided under the program. The department shall remit  
39 7 payment to a provider within ten business days of receiving a  
39 8 bill or claim for services provided. However, if the  
39 9 department determines that a bill has an error or omission,  
39 10 the department shall notify the provider of the error or  
39 11 omission and identify any correction needed before issuance of  
39 12 payment to the provider. The department shall provide the  
39 13 notice within five business days of receiving the billing from  
39 14 the provider and shall remit payment to the provider within  
39 15 ten business days of receiving the corrected billing.

39 16 Sec. 74. Section 272.27, Code 2007, is amended to read as  
39 17 follows:

39 18 ~~272.27 STUDENT TEACHING EDUCATOR LICENSURE EXPERIENCES.~~

39 19 If the rules adopted by the board of educational examiners  
39 20 for issuance of any type or class of license require an  
39 21 applicant to complete work in student teaching, prestudent  
39 22 teaching experiences, field experiences, practicums, clinics,  
39 23 or internships, an accredited college or university located  
39 24 within the state of Iowa and states conterminous with Iowa may  
39 25 offer a program or programs of teacher education approved by  
39 26 the director of the department of education or the appropriate  
39 27 authority in states conterminous with Iowa by entering into a  
39 28 written contract with any ~~accredited~~ school district ~~or~~  
39 29 ~~private school, or any accredited or licensed private school~~  
39 30 ~~or education agency~~ under terms and conditions as agreed upon  
39 31 by the contracting parties. Students actually ~~teaching~~  
39 32 engaged in preservice licensure activities in a school  
39 33 district under the terms of such a contract are entitled to  
39 34 the same protection, under section 670.8, as is afforded by  
39 35 that section to officers and employees of the school district,  
40 1 during the time they are so assigned.

40 2 Sec. 75. Section 303.1, Code 2007, is amended by adding  
40 3 the following new subsection:

40 4 NEW SUBSECTION. 7. The department may develop and  
40 5 implement fee-based educational programming opportunities,  
40 6 including preschool programs, related to arts, history, and  
40 7 other cultural matters for Iowans of all ages.

40 8 Sec. 76. Section 321.20B, subsection 2, paragraph b, Code  
40 9 2007, is amended to read as follows:

40 10 b. ~~The insurance division and the department, as~~  
40 11 ~~appropriate,~~ shall adopt rules regarding the contents of a  
40 12 financial liability coverage card to be issued pursuant to  
40 13 this section.

40 14 (1) Notwithstanding the provisions of this section, a  
40 15 fleet owner who is issued a certificate of self-insurance  
40 16 pursuant to section 321A.34, subsection 1, is not required to  
40 17 maintain in each vehicle a financial liability coverage card  
40 18 with the individual registration number or the vehicle  
40 19 identification number of the vehicle included on the card.  
40 20 Such fleet owner shall be required to maintain a financial  
40 21 liability coverage card in each vehicle in the fleet including  
40 22 information deemed appropriate by the ~~commissioner of~~  
40 23 ~~insurance or the director, as applicable.~~

40 24 (2) An association of individual members that is issued a  
40 25 certificate of self-insurance pursuant to section 321A.34,  
40 26 subsection 2, is required to maintain in each vehicle of an  
40 27 individual member a financial liability coverage card that  
40 28 complies with the provisions of this section and in addition  
40 29 contains information relating to the association and the  
40 30 association's certificate of self-insurance as is deemed  
40 31 appropriate by the director.

40 32 Sec. 77. Section 321A.34, subsections 1 and 2, Code 2007,  
40 33 are amended to read as follows:

40 34 1. a. Any person in whose name more than twenty-five  
40 35 motor vehicles are registered may qualify as a self-insurer by  
41 1 obtaining a certificate of self-insurance issued by the  
41 2 department as provided in ~~subsection 2 of this section~~  
41 3 paragraph "b".

41 4 ~~2. b.~~ The department may, upon the application of such a  
41 5 person, issue a certificate of self-insurance if the  
41 6 department is satisfied that the person has and will continue  
41 7 to have the ability to pay judgments obtained against the  
41 8 person for damages arising out of the ownership, maintenance,  
41 9 or use of any vehicle owned by the person. A person issued a  
41 10 certificate of self-insurance pursuant to this ~~section~~  
41 11 subsection shall maintain a financial liability coverage card  
41 12 as provided in section 321.20B, subsection 2, paragraph "b"  
41 13 subparagraph (1).

41 14 2. a. Any association of individual members that is a  
41 15 legal entity with the power to sue and be sued in its own name  
41 16 and which is composed of individual members in whose names a  
41 17 total of more than twenty-five motor vehicles are registered,  
41 18 may qualify as a self-insurer by obtaining a certificate of  
41 19 insurance issued by the department as provided in paragraph  
41 20 "b".

41 21 b. The department may, upon the application of such an  
41 22 association, issue a certificate of self-insurance if the  
41 23 department is satisfied that the association has and will  
41 24 continue to have the ability to pay judgments obtained against  
41 25 the association or against an individual member of the  
41 26 association for damages arising out of the ownership,

41 27 maintenance, or use of any vehicle owned by an individual  
41 28 member of the association. An association issued a  
41 29 certificate of self-insurance pursuant to this paragraph shall  
41 30 maintain a financial liability coverage card as provided in  
41 31 section 321.20B, subsection 2, paragraph "b", subparagraph  
41 32 (2).

41 33 Sec. 78. Section 388.2, unnumbered paragraph 2, Code 2007,  
41 34 is amended to read as follows:

41 35 ~~The~~ Upon the council's own motion, the proposal may be  
42 1 submitted to the voters at ~~any the general election, the~~  
42 2 regular city election by the council on its own motion, or at  
42 3 a special election called for that purpose. Upon receipt of a  
42 4 valid petition as defined in section 362.4, requesting that a  
42 5 proposal be submitted to the voters, the council shall submit  
42 6 the proposal at the next regular city election.

42 7 Sec. 79. Section 388.2, Code 2007, is amended by adding  
42 8 the following new unnumbered paragraph after unnumbered  
42 9 paragraph 2:

42 10 NEW UNNUMBERED PARAGRAPH. If the special election is to  
42 11 establish a gas or electric utility pursuant to this section,  
42 12 or if such a proposal is to be included on the ballot at the  
42 13 regular city or general election, the mayor or council shall  
42 14 give notice as required by section 376.1 to the county  
42 15 commissioner of elections and to any utility whose property  
42 16 would be affected by such election not less than sixty days  
42 17 before the proposed date of the special, regular city, or  
42 18 general election.

42 19 Sec. 80. Section 404A.4, subsection 4, Code 2007, is  
42 20 amended to read as follows:

42 21 4. The total amount of tax credits that may be approved  
42 22 for a fiscal year under this chapter shall not exceed ~~two six~~  
42 23 million ~~four hundred thousand~~ dollars. For the fiscal period  
42 24 beginning July 1, 2005, and ending June 30, 2015, an  
42 25 additional four million dollars of tax credits may be approved  
42 26 each fiscal year for purposes of projects located in cultural  
42 27 and entertainment districts certified pursuant to section  
42 28 303.3B. Any of the additional tax credits allocated for  
42 29 projects located in certified cultural and entertainment  
42 30 districts that are not approved during a fiscal year shall be  
42 31 applied to reserved tax credits issued in accordance with  
42 32 section 404A.3 in order of original reservation. The  
42 33 department of cultural affairs shall establish by rule the  
42 34 procedures for the application, review, selection, and  
42 35 awarding of certifications of completion. The departments of  
43 1 economic development, cultural affairs, and revenue shall each  
43 2 adopt rules to jointly administer this subsection and shall  
43 3 provide by rule for the method to be used to determine for  
43 4 which fiscal year the tax credits are available. With the  
43 5 exception of tax credits issued pursuant to contracts entered  
43 6 into prior to July 1, 2005, tax credits shall not be reserved  
43 7 for more than five years.

43 8 Sec. 81. Section 463C.17, Code 2007, is amended to read as  
43 9 follows:

43 10 463C.17 EXEMPTION FROM COMPETITIVE BID LAWS.

43 11 ~~The authority, the department, and their agents and~~  
43 12 ~~contracts entered into by the authority, the department, and~~  
43 13 ~~their agents,~~ in carrying out its public and essential  
43 14 governmental functions are exempt from the laws of the state  
43 15 which provide for competitive bids, ~~term-length,~~ and hearings  
43 16 in connection with contracts, except as provided in section  
43 17 12.30. However, the exemption from competitive bid laws in  
43 18 this section shall not be construed to apply to contracts for  
43 19 ~~the development of the park or the development or construction~~  
43 20 ~~of facilities in the park, including, but not limited to,~~  
43 21 lodges, campgrounds, cabins, and golf courses.

43 22 Sec. 82. Section 717F.1, subsection 3, paragraph b, if  
43 23 enacted by 2007 Iowa Acts, Senate File 564, section 1, is  
43 24 amended to read as follows:

43 25 b. "Circus" does not include a person, regardless of  
43 26 whether the person is a holder of a class "C" license as  
43 27 provided in paragraph "a", who ~~does any of the following:~~

~~43 28 (1) Keeps a dangerous wild animal which is a member of the~~  
~~43 29 order carnivora within the family felidae or the family~~  
~~43 30 ursidae, as described in this section.~~

~~43 31 (2) Uses the uses a dangerous wild animal for any of the~~  
43 32 following purposes:

43 33 ~~(a)~~ (1) A presentation to children at a public or  
43 34 nonpublic school as defined in section 280.2.

43 35 ~~(b)~~ (2) Entertainment that involves an activity in which  
44 1 a member of the public is in close proximity to the dangerous  
44 2 wild animal, including but not limited to a contest or a

44 3 photographic opportunity.

44 4 Sec. 83. Section 717F.7, subsection 3, if enacted by 2007  
44 5 Iowa Acts, Senate File 564, section 7, is amended by striking  
44 6 the subsection.

44 7 Sec. 84. 2007 Iowa Acts, Senate File 403, section 5, if  
44 8 enacted, is repealed.

44 9 Sec. 85. EFFECTIVE DATE. The section of this division of  
44 10 this Act amending section 28D.3, subsection 4, being deemed of  
44 11 immediate importance, takes effect upon enactment.

44 12 DIVISION VI  
44 13 ELDER SERVICES

44 14 Sec. 86. Section 231B.1, subsection 1, Code 2007, is  
44 15 amended to read as follows:

44 16 1. "Department" means the department of ~~elder affairs~~  
44 17 inspections and appeals or the department's designee.

44 18 Sec. 87. Section 231B.1A, subsection 3, Code 2007, is  
44 19 amended by striking the subsection.

44 20 Sec. 88. Section 231B.2, subsection 1, unnumbered  
44 21 paragraph 1, Code 2007, is amended to read as follows:

44 22 The department shall establish by rule, in accordance with  
44 23 chapter 17A, minimum standards for certification and  
44 24 monitoring of elder group homes. The department may adopt by  
44 25 reference, with or without amendment, nationally recognized  
44 26 standards and rules for elder group homes. The standards and  
44 27 rules shall be formulated in consultation with ~~the department~~  
44 28 ~~of inspections and appeals~~ affected state agencies and  
44 29 affected industry, professional, and consumer groups; ~~i~~ shall  
44 30 be designed to accomplish the purposes of this chapter; ~~i~~ and  
44 31 shall include but not be limited to rules relating to all of  
44 32 the following:

44 33 Sec. 89. Section 231B.2, subsection 1, paragraph b, Code  
44 34 2007, is amended to read as follows:

44 35 b. Requirements that elder group homes furnish the  
45 1 department of ~~elder affairs and the department of inspections~~  
45 2 ~~and appeals~~ with specified information necessary to administer  
45 3 this chapter. All information related to the provider  
45 4 application for an elder group home presented to ~~either the~~  
45 5 ~~department of inspections and appeals or the department of~~  
45 6 ~~elder affairs~~ shall be considered a public record pursuant to  
45 7 chapter 22.

45 8 Sec. 90. Section 231B.2, subsection 2, Code 2007, is  
45 9 amended to read as follows:

45 10 2. Each elder group home operating in this state shall be  
45 11 certified by the department ~~of inspections and appeals~~.

45 12 Sec. 91. Section 231B.2, subsection 5, unnumbered  
45 13 paragraph 1, Code 2007, is amended to read as follows:

45 14 The department ~~of inspections and appeals~~ may enter into  
45 15 contracts to provide certification and monitoring of elder  
45 16 group homes. The department ~~of inspections and appeals~~ shall:

45 17 Sec. 92. Section 231B.2, subsection 6, 7, 9, and 10, Code  
45 18 2007, are amended to read as follows:

45 19 6. A department, agency, or officer of this state or of  
45 20 any governmental unit shall not pay or approve for payment  
45 21 from public funds any amount to an elder group home for an  
45 22 actual or prospective tenant, unless the program holds a  
45 23 current certificate issued by the department ~~of inspections~~  
45 24 ~~and appeals~~ and meets all current requirements for  
45 25 certification.

45 26 7. The department shall adopt rules regarding the  
45 27 conducting or operating of another business or activity in the  
45 28 distinct part of the physical structure in which the elder  
45 29 group home is operated, if the business or activity serves  
45 30 persons who are not tenants. The rules shall be developed in  
45 31 consultation with ~~the department of inspections and appeals~~  
45 32 affected state agencies and affected industry, professional,  
45 33 and consumer groups.

45 34 9. The department ~~of elder affairs and the department of~~  
45 35 ~~inspections and appeals~~ shall conduct joint training sessions  
46 1 for personnel responsible for conducting monitoring  
46 2 evaluations and complaint investigations of elder group homes.  
46 3 10. Certification shall be for two years unless revoked  
46 4 for good cause by the department ~~of inspections and appeals~~.

46 5 Sec. 93. Section 231B.3, subsection 2, Code 2007, is  
46 6 amended to read as follows:

46 7 2. A person who has knowledge that an elder group home is  
46 8 operating without certification shall report the name and  
46 9 address of the home to the department ~~of inspections and~~  
46 10 ~~appeals~~. The department ~~of inspections and appeals~~ shall  
46 11 investigate a report made pursuant to this section.

46 12 Sec. 94. Section 231B.4, Code 2007, is amended to read as  
46 13 follows:

46 14 231B.4 ZONING == FIRE AND SAFETY STANDARDS.

46 15 An elder group home shall be located in an area zoned for  
46 16 single-family or multiple-family housing or in an  
46 17 unincorporated area and shall be constructed in compliance  
46 18 with applicable local housing codes and the rules adopted for  
46 19 the special classification by the state fire marshal. In the  
46 20 absence of local building codes, the facility shall comply  
46 21 with the state plumbing code established pursuant to section  
46 22 135.11 and the state building code established pursuant to  
46 23 section 103A.7 and the rules adopted for the special  
46 24 classification by the state fire marshal. The rules adopted  
46 25 for the special classification by the state fire marshal  
46 26 regarding second floor occupancy shall be adopted in  
46 27 consultation with the department ~~of elder affairs~~ and shall  
46 28 take into consideration the mobility of the tenants.

46 29 Sec. 95. Section 231B.5, subsection 3, Code 2007, is  
46 30 amended to read as follows:

46 31 3. Occupancy agreements and related documents executed by  
46 32 each tenant or tenant's legal representative shall be  
46 33 maintained by the elder group home from the date of execution  
46 34 until three years from the date the occupancy agreement is  
46 35 terminated. A copy of the most current occupancy agreement  
47 1 shall be provided to members of the general public, upon  
47 2 request. Occupancy agreements and related documents shall be  
47 3 made available for on-site inspection to the department ~~of~~  
~~47 4 inspections and appeals~~ upon request and at reasonable times.

47 5 Sec. 96. Section 231B.6, subsection 1, unnumbered  
47 6 paragraph 1, Code 2007, is amended to read as follows:

47 7 If an elder group home initiates the involuntary transfer  
47 8 of a tenant and the action is not a result of a monitoring  
47 9 evaluation or complaint investigation by the department ~~of~~  
~~47 10 inspections and appeals~~, and if the tenant or tenant's legal  
47 11 representative contests the transfer, the following procedure  
47 12 shall apply:

47 13 Sec. 97. Section 231B.6, subsection 2, Code 2007, is  
47 14 amended to read as follows:

47 15 2. The department, in consultation with ~~the department of~~  
~~47 16 inspections and appeals~~ affected state agencies and affected  
47 17 industry, professional, and consumer groups, shall establish  
47 18 by rule, in accordance with chapter 17A, procedures to be  
47 19 followed, including the opportunity for hearing, when the  
47 20 transfer of a tenant results from a monitoring evaluation or  
47 21 complaint investigation conducted by the department ~~of~~  
~~47 22 inspections and appeals~~.

47 23 Sec. 98. Section 231B.7, Code 2007, is amended to read as  
47 24 follows:

47 25 231B.7 COMPLAINTS.

47 26 1. Any person with concerns regarding the operations or  
47 27 service delivery of an elder group home may file a complaint  
47 28 with the department ~~of inspections and appeals~~. The name of  
47 29 the person who files a complaint with the department ~~of~~  
~~47 30 inspections and appeals~~ and any personal identifying  
47 31 information of the person or any tenant identified in the  
47 32 complaint shall be kept confidential and shall not be subject  
47 33 to discovery, subpoena, or other means of legal compulsion for  
47 34 its release to a person other than department ~~of inspections~~  
~~47 35 and appeals~~ employees involved with the complaint.

48 1 2. The department, ~~in cooperation with the department of~~  
~~48 2 inspections and appeals~~, shall establish procedures for the  
48 3 disposition of complaints received in accordance with this  
48 4 section.

48 5 Sec. 99. Section 231B.8, Code 2007, is amended to read as  
48 6 follows:

48 7 231B.8 INFORMAL REVIEW.

48 8 1. If an elder group home contests the findings of  
48 9 regulatory insufficiencies of a monitoring evaluation or  
48 10 complaint investigation, the program shall submit written  
48 11 information, demonstrating that the program was in compliance  
48 12 with the applicable requirement at the time of the monitoring  
48 13 evaluation or complaint investigation of the regulatory  
48 14 insufficiencies, to the department ~~of inspections and appeals~~  
48 15 for review.

48 16 2. The department ~~of inspections and appeals~~ shall review  
48 17 the written information submitted within ten working days of  
48 18 the receipt of the information. At the conclusion of the  
48 19 review, the department ~~of inspections and appeals~~ may affirm,  
48 20 modify, or dismiss the regulatory insufficiencies. The  
48 21 department ~~of inspections and appeals~~ shall notify the program  
48 22 in writing of the decision to affirm, modify, or dismiss the  
48 23 regulatory insufficiencies, and the reasons for the decision.

48 24 3. In the case of a complaint investigation, the

48 25 department of inspections and appeals shall also notify the  
48 26 complainant, if known, of the decision and the reasons for the  
48 27 decision.

48 28 Sec. 100. Section 231B.9, Code 2007, is amended to read as  
48 29 follows:

48 30 231B.9 PUBLIC DISCLOSURE OF FINDINGS.

48 31 Upon completion of a monitoring evaluation or complaint  
48 32 investigation of an elder group home by the department of  
~~48 33 inspections and appeals~~ pursuant to this chapter, including  
48 34 the conclusion of all administrative appeals processes, the  
48 35 ~~department of inspections and appeals'~~ department's final  
49 1 findings with respect to compliance by the elder group home  
49 2 with requirements for certification shall be made available to  
49 3 the public in a readily available form and place. Other  
49 4 information relating to an elder group home that is obtained  
49 5 by the department of ~~inspections and appeals~~ which does not  
49 6 constitute the ~~department of inspections and appeals'~~  
49 7 ~~department's~~ final findings from a monitoring evaluation or  
49 8 complaint investigation of the elder group home shall ~~be made~~  
~~49 9 available to the department of elder affairs upon request to~~  
~~49 10 facilitate policy decisions, but shall not be made available~~  
49 11 to the public except in proceedings involving the denial,  
49 12 suspension, or revocation of a certificate under this chapter.

49 13 Sec. 101. Section 231B.10, subsection 1, unnumbered  
49 14 paragraph 1, Code 2007, is amended to read as follows:

49 15 The department of ~~inspections and appeals~~ may deny,  
49 16 suspend, or revoke a certificate in any case where the  
49 17 ~~department of inspections and appeals~~ finds that there has  
49 18 been a substantial or repeated failure on the part of the  
49 19 elder group home to comply with this chapter or minimum  
49 20 standards adopted under this chapter or for any of the  
49 21 following reasons:

49 22 Sec. 102. Section 231B.10, subsection 2, Code 2007, is  
49 23 amended to read as follows:

49 24 2. The department of ~~inspections and appeals~~ may as an  
49 25 alternative to denial, suspension, or revocation conditionally  
49 26 issue or continue a certificate dependent upon the performance  
49 27 by the elder group home of reasonable conditions within a  
49 28 reasonable period of time as set by the department of  
~~49 29 inspections and appeals~~ so as to permit the program to  
49 30 commence or continue the operation of the elder group home  
49 31 pending full compliance with this chapter or the rules adopted  
49 32 pursuant to this chapter. If the elder group home does not  
49 33 make diligent efforts to comply with the conditions  
49 34 prescribed, the department of ~~inspections and appeals~~ may,  
49 35 under the proceedings prescribed by this chapter, deny,  
50 1 suspend, or revoke the certificate. An elder group home shall  
50 2 not be operated on a conditional certificate for more than one  
50 3 year.

50 4 Sec. 103. Section 231B.11, Code 2007, is amended to read  
50 5 as follows:

50 6 231B.11 NOTICE == APPEAL == EMERGENCY PROVISIONS.

50 7 1. The denial, suspension, or revocation of a certificate  
50 8 shall be effected by delivering to the applicant or  
50 9 certificate holder by restricted certified mail or by personal  
50 10 service a notice setting forth the particular reasons for such  
50 11 action. Such denial, suspension, or revocation shall become  
50 12 effective thirty days after the mailing or service of the  
50 13 notice, unless the applicant or certificate holder, within  
50 14 such thirty-day period, requests a hearing, in writing, of the  
50 15 ~~department of inspections and appeals~~, in which case the  
50 16 notice shall be deemed to be suspended.

50 17 2. The denial, suspension, or revocation of a certificate  
50 18 may be appealed in accordance with rules adopted by the  
50 19 ~~department of inspections and appeals~~ in accordance with  
50 20 chapter 17A.

50 21 3. When the department of ~~inspections and appeals~~ finds  
50 22 that an imminent danger to the health or safety of a tenant of  
50 23 an elder group home exists which requires action on an  
50 24 emergency basis, the department of ~~inspections and appeals~~ may  
50 25 direct removal of all tenants of the elder group home and  
50 26 suspend the certificate prior to a hearing.

50 27 Sec. 104. Section 231B.12, Code 2007, is amended to read  
50 28 as follows:

50 29 231B.12 DEPARTMENT NOTIFIED OF CASUALTIES.

50 30 The department of ~~inspections and appeals~~ shall be notified  
50 31 within twenty-four hours, by the most expeditious means  
50 32 available, of any accident causing substantial injury or death  
50 33 to a tenant, and any substantial fire or natural or other  
50 34 disaster occurring at or near an elder group home.

50 35 Sec. 105. Section 231B.13, Code 2007, is amended to read

51 1 as follows:  
51 2 231B.13 RETALIATION BY ELDER GROUP HOME PROHIBITED.  
51 3 An elder group home shall not discriminate or retaliate in  
51 4 any way against a tenant, a tenant's family, or an employee of  
51 5 the elder group home who has initiated or participated in any  
51 6 proceeding authorized by this chapter. An elder group home  
51 7 that violates this section is subject to a penalty as  
51 8 established by administrative rule in accordance with chapter  
51 9 17A, to be assessed and collected by the department of  
~~51 10 inspections and appeals~~, paid into the state treasury, and  
51 11 credited to the general fund of the state.

51 12 Sec. 106. Section 231B.14, subsection 2, Code 2007, is  
51 13 amended to read as follows:

51 14 2. Following receipt of notice from the department of  
~~51 15 inspections and appeals~~, continued failure or refusal to  
51 16 comply within a prescribed time frame with regulatory  
51 17 requirements that have a direct relationship to the health,  
51 18 safety, or security of elder group home tenants.

51 19 Sec. 107. Section 231B.14, subsection 3, unnumbered  
51 20 paragraph 1, Code 2007, is amended to read as follows:  
51 21 Preventing or interfering with or attempting to impede in  
51 22 any way any duly authorized representative of the department  
51 23 ~~of inspections and appeals~~ in the lawful enforcement of this  
51 24 chapter or of the rules adopted pursuant to this chapter. As  
51 25 used in this subsection, "lawful enforcement" includes but is  
51 26 not limited to:

51 27 Sec. 108. Section 231B.15, Code 2007, is amended to read  
51 28 as follows:

51 29 231B.15 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF.

51 30 A person establishing, conducting, managing, or operating  
51 31 an elder group home without a certificate is guilty of a  
51 32 serious misdemeanor. Each day of continuing violation after  
51 33 conviction or notice from the department ~~of inspections and~~  
~~51 34 appeals~~ by certified mail of a violation shall be considered a  
51 35 separate offense. A person establishing, conducting,  
52 1 managing, or operating an elder group home without a  
52 2 certificate may be temporarily or permanently restrained by a  
52 3 court of competent jurisdiction from such activity in an  
52 4 action brought by the state.

52 5 Sec. 109. Section 231B.17, subsection 1, Code 2007, is  
52 6 amended to read as follows:

52 7 1. The department ~~of inspections and appeals~~ shall collect  
52 8 elder group home certification and related fees. Fees  
52 9 collected and retained pursuant to this section shall be  
52 10 deposited in the general fund of the state.

52 11 Sec. 110. Section 231B.20, Code 2007, is amended to read  
52 12 as follows:

52 13 231B.20 NURSING ASSISTANT AND MEDICATION AIDE ==  
52 14 CERTIFICATION.

52 15 The department ~~of inspections and appeals~~, in cooperation  
52 16 with other appropriate agencies, shall establish a procedure  
52 17 to allow nursing assistants or medication aides to claim work  
52 18 within an elder group home as credit toward sustaining the  
52 19 nursing assistant's or medication aide's certification.

52 20 Sec. 111. Section 231C.1, subsection 3, Code 2007, is  
52 21 amended by striking the subsection and inserting in lieu  
52 22 thereof the following:

52 23 3. It is the intent of the general assembly that the  
52 24 department promote a social model for assisted living programs  
52 25 and a consultative process to assist with compliance by  
52 26 assisted living programs.

52 27 Sec. 112. Section 231C.2, subsection 3, Code 2007, is  
52 28 amended to read as follows:

52 29 3. "Department" means the department of ~~elder affairs~~  
~~52 30 created in chapter 231 inspections and appeals~~ or the  
52 31 department's designee.

52 32 Sec. 113. Section 231C.3, subsection 1, unnumbered  
52 33 paragraph 1, Code 2007, is amended to read as follows:

52 34 The department shall establish by rule in accordance with  
52 35 chapter 17A minimum standards for certification and monitoring  
53 1 of assisted living programs. The department may adopt by  
53 2 reference with or without amendment, nationally recognized  
53 3 standards and rules for assisted living programs. The rules  
53 4 shall include specification of recognized accrediting entities  
53 5 and provisions related to dementia-specific programs. The  
53 6 standards and rules shall be formulated in consultation with  
53 7 ~~the department of inspections and appeals affected state~~  
~~53 8 agencies~~ and affected industry, professional, and consumer  
53 9 groups; ~~i~~ shall be designed to accomplish the purposes of this  
53 10 chapter; ~~i~~ and shall include but are not limited to rules  
53 11 relating to all of the following:

53 12 Sec. 114. Section 231C.3, subsection 1, paragraph b, Code  
53 13 2007, is amended to read as follows:  
53 14 b. Requirements that assisted living programs furnish the  
53 15 department of elder affairs and the department of inspections  
53 16 and appeals with specified information necessary to administer  
53 17 this chapter. All information related to a provider  
53 18 application for an assisted living program submitted to either  
53 19 the department of elder affairs or the department of  
53 20 inspections and appeals shall be considered a public record  
53 21 pursuant to chapter 22.

53 22 Sec. 115. Section 231C.3, subsection 2, Code 2007, is  
53 23 amended to read as follows:

53 24 2. Each assisted living program operating in this state  
53 25 shall be certified by the department of inspections and  
53 26 appeals. If an assisted living program is voluntarily  
53 27 accredited by a recognized accrediting entity, the department  
53 28 of inspections and appeals shall certify the assisted living  
53 29 program on the basis of the voluntary accreditation. An  
53 30 assisted living program that is certified by the department of  
53 31 inspections and appeals on the basis of voluntary  
53 32 accreditation shall not be subject to payment of the  
53 33 certification fee prescribed in section 231C.18, but shall be  
53 34 subject to an administrative fee as prescribed by rule. An  
53 35 assisted living program certified under this section is exempt  
54 1 from the requirements of section 135.63 relating to  
54 2 certificate of need requirements.

54 3 Sec. 116. Section 231C.3, subsection 5, unnumbered  
54 4 paragraph 1, Code 2007, is amended to read as follows:

54 5 The department of inspections and appeals may enter into  
54 6 contracts to provide certification and monitoring of assisted  
54 7 living programs. The department of inspections and appeals  
54 8 shall:

54 9 Sec. 117. Section 231C.3, subsections 6, 7, 8, 10, and 11,  
54 10 Code 2007, are amended to read as follows:

54 11 6. The department may also establish by rule in accordance  
54 12 with chapter 17A minimum standards for subsidized and  
54 13 dementia-specific assisted living programs. The rules shall  
54 14 be formulated in consultation with the department of  
54 15 inspections and appeals affected state agencies and affected  
54 16 industry, professional, and consumer groups.

54 17 7. A department, agency, or officer of this state or of  
54 18 any governmental unit shall not pay or approve for payment  
54 19 from public funds any amount to an assisted living program for  
54 20 an actual or prospective tenant, unless the program holds a  
54 21 current certificate issued by the department of inspections  
54 22 and appeals and meets all current requirements for  
54 23 certification.

54 24 8. The department shall adopt rules regarding the  
54 25 conducting or operating of another business or activity in the  
54 26 distinct part of the physical structure in which the assisted  
54 27 living program is provided, if the business or activity serves  
54 28 nontenants. The rules shall be developed in consultation with  
54 29 the department of inspections and appeals affected state  
54 30 agencies and affected industry, professional, and consumer  
54 31 groups.

54 32 10. The department of elder affairs and the department of  
54 33 inspections and appeals shall conduct joint training sessions  
54 34 for personnel responsible for conducting monitoring  
54 35 evaluations and complaint investigations of assisted living  
55 1 programs.

55 2 11. Certification of an assisted living program shall be  
55 3 for two years unless certification is revoked for good cause  
55 4 by the department of inspections and appeals.

55 5 Sec. 118. Section 231C.4, Code 2007, is amended to read as  
55 6 follows:

55 7 231C.4 FIRE AND SAFETY STANDARDS.

55 8 The state fire marshal shall adopt rules, in coordination  
55 9 with the department of elder affairs and the department of  
55 10 inspections and appeals, relating to the certification and  
55 11 monitoring of the fire and safety standards of certified  
55 12 assisted living programs.

55 13 Sec. 119. Section 231C.5, subsection 3, Code 2007, is  
55 14 amended to read as follows:

55 15 3. Occupancy agreements and related documents executed by  
55 16 each tenant or the tenant's legal representative shall be  
55 17 maintained by the assisted living program in program files  
55 18 from the date of execution until three years from the date the  
55 19 occupancy agreement is terminated. A copy of the most current  
55 20 occupancy agreement shall be provided to members of the  
55 21 general public, upon request. Occupancy agreements and  
55 22 related documents shall be made available for on-site

55 23 inspection to the department ~~of inspections and appeals~~ upon  
55 24 request and at reasonable times.

55 25 Sec. 120. Section 231C.6, subsection 1, unnumbered  
55 26 paragraph 1, Code 2007, is amended to read as follows:

55 27 If an assisted living program initiates the involuntary  
55 28 transfer of a tenant and the action is not a result of a  
55 29 monitoring evaluation or complaint investigation by the  
55 30 department ~~of inspections and appeals~~, and if the tenant or  
55 31 the tenant's legal representative contests the transfer, the  
55 32 following procedure shall apply:

55 33 Sec. 121. Section 231C.6, subsection 2, Code 2007, is  
55 34 amended to read as follows:

55 35 2. The department, in consultation with ~~the department of~~  
~~56 1 inspections and appeals~~ affected state agencies and affected  
56 2 industry, professional, and consumer groups, shall establish,  
56 3 by rule in accordance with chapter 17A, procedures to be  
56 4 followed, including the opportunity for hearing, when the  
56 5 transfer of a tenant results from a monitoring evaluation or  
56 6 complaint investigation conducted by the department ~~of~~  
~~56 7 inspections and appeals~~.

56 8 Sec. 122. Section 231C.7, Code 2007, is amended to read as  
56 9 follows:

56 10 231C.7 COMPLAINTS.

56 11 1. Any person with concerns regarding the operations or  
56 12 service delivery of an assisted living program may file a  
56 13 complaint with the department ~~of inspections and appeals~~. The  
56 14 name of the person who files a complaint with the department  
56 15 ~~of inspections and appeals~~ and any personal identifying  
56 16 information of the person or any tenant identified in the  
56 17 complaint shall be kept confidential and shall not be subject  
56 18 to discovery, subpoena, or other means of legal compulsion for  
56 19 its release to a person other than department ~~of inspections~~  
~~56 20 and appeals~~ employees involved with the complaint.

56 21 2. The department, ~~in cooperation with the department of~~  
~~56 22 inspections and appeals~~, shall establish procedures for the  
56 23 disposition of complaints received in accordance with this  
56 24 section.

56 25 Sec. 123. Section 231C.8, Code 2007, is amended to read as  
56 26 follows:

56 27 231C.8 INFORMAL REVIEW.

56 28 1. If an assisted living program contests the regulatory  
56 29 insufficiencies of a monitoring evaluation or complaint  
56 30 investigation, the program shall submit written information,  
56 31 demonstrating that the program was in compliance with the  
56 32 applicable requirement at the time of the monitoring  
56 33 evaluation or complaint investigation, in support of the  
56 34 contesting of the regulatory insufficiencies, to the  
56 35 department ~~of inspections and appeals~~ for review.

57 1 2. The department ~~of inspections and appeals~~ shall review  
57 2 the written information submitted within ten working days of  
57 3 the receipt of the information. At the conclusion of the  
57 4 review, the department ~~of inspections and appeals~~ may affirm,  
57 5 modify, or dismiss the regulatory insufficiencies. The  
57 6 department ~~of inspections and appeals~~ shall notify the program  
57 7 in writing of the decision to affirm, modify, or dismiss the  
57 8 regulatory insufficiencies, and the reasons for the decision.

57 9 3. In the case of a complaint investigation, the  
57 10 department ~~of inspections and appeals~~ shall also notify the  
57 11 complainant, if known, of the decision and the reasons for the  
57 12 decision.

57 13 Sec. 124. Section 231C.9, Code 2007, is amended to read as  
57 14 follows:

57 15 231C.9 PUBLIC DISCLOSURE OF FINDINGS.

57 16 Upon completion of a monitoring evaluation or complaint  
57 17 investigation of an assisted living program by the department  
57 18 ~~of inspections and appeals~~ pursuant to this chapter, including  
57 19 the conclusion of all administrative appeals processes, the  
57 20 ~~department of inspections and appeals~~ department's final  
57 21 findings with respect to compliance by the assisted living  
57 22 program with requirements for certification shall be made  
57 23 available to the public in a readily available form and place.  
57 24 Other information relating to an assisted living program that  
57 25 is obtained by the department ~~of inspections and appeals~~ which  
57 26 does not constitute the ~~department of inspections and appeals~~  
57 27 department's final findings from a monitoring evaluation or  
57 28 complaint investigation of the assisted living program shall  
57 29 ~~be made available to the department of elder affairs upon~~  
~~57 30 request in order to facilitate policy decisions, but shall not~~  
57 31 be made available to the public except in proceedings  
57 32 involving the denial, suspension, or revocation of a  
57 33 certificate under this chapter.

57 34 Sec. 125. Section 231C.10, subsection 1, unnumbered  
57 35 paragraph 1, Code 2007, is amended to read as follows:  
58 1 The department of ~~inspections and appeals~~ may deny,  
58 2 suspend, or revoke a certificate in any case where the  
58 3 department of ~~inspections and appeals~~ finds that there has  
58 4 been a substantial or repeated failure on the part of the  
58 5 assisted living program to comply with this chapter or the  
58 6 rules, or minimum standards adopted under this chapter, or for  
58 7 any of the following reasons:  
58 8 Sec. 126. Section 231C.10, subsection 2, Code 2007, is  
58 9 amended to read as follows:  
58 10 2. The department of ~~inspections and appeals~~ may as an  
58 11 alternative to denial, suspension, or revocation conditionally  
58 12 issue or continue a certificate dependent upon the performance  
58 13 by the assisted living program of reasonable conditions within  
58 14 a reasonable period of time as set by the department of  
~~58 15 inspections and appeals~~ so as to permit the program to  
58 16 commence or continue the operation of the program pending full  
58 17 compliance with this chapter or the rules adopted pursuant to  
58 18 this chapter. If the assisted living program does not make  
58 19 diligent efforts to comply with the conditions prescribed, the  
58 20 department of ~~inspections and appeals~~ may, under the  
58 21 proceedings prescribed by this chapter, suspend, or revoke the  
58 22 certificate. An assisted living program shall not be operated  
58 23 on a conditional certificate for more than one year.  
58 24 Sec. 127. Section 231C.11, Code 2007, is amended to read  
58 25 as follows:  
58 26 231C.11 NOTICE == APPEAL == EMERGENCY PROVISIONS.  
58 27 1. The denial, suspension, or revocation of a certificate  
58 28 shall be effected by delivering to the applicant or  
58 29 certificate holder by restricted certified mail or by personal  
58 30 service a notice setting forth the particular reasons for such  
58 31 action. Such denial, suspension, or revocation shall become  
58 32 effective thirty days after the mailing or service of the  
58 33 notice, unless the applicant or certificate holder, within  
58 34 such thirty-day period, requests a hearing, in writing, of the  
58 35 department of ~~inspections and appeals~~, in which case the  
59 1 notice shall be deemed to be suspended.  
59 2 2. The denial, suspension, or revocation of a certificate  
59 3 may be appealed in accordance with rules adopted by the  
59 4 department of ~~inspections and appeals~~ in accordance with  
59 5 chapter 17A.  
59 6 3. When the department of ~~inspections and appeals~~ finds  
59 7 that an imminent danger to the health or safety of tenants of  
59 8 an assisted living program exists which requires action on an  
59 9 emergency basis, the department of ~~inspections and appeals~~ may  
59 10 direct removal of all tenants of an assisted living program  
59 11 and suspend the certificate prior to a hearing.  
59 12 Sec. 128. Section 231C.12, Code 2007, is amended to read  
59 13 as follows:  
59 14 231C.12 DEPARTMENT NOTIFIED OF CASUALTIES.  
59 15 The department of ~~inspections and appeals~~ shall be notified  
59 16 within twenty-four hours, by the most expeditious means  
59 17 available, of any accident causing substantial injury or  
59 18 death, and any substantial fire or natural or other disaster  
59 19 occurring at or near an assisted living program.  
59 20 Sec. 129. Section 231C.13, Code 2007, is amended to read  
59 21 as follows:  
59 22 231C.13 RETALIATION BY ASSISTED LIVING PROGRAM PROHIBITED.  
59 23 An assisted living program shall not discriminate or  
59 24 retaliate in any way against a tenant, tenant's family, or an  
59 25 employee of the program who has initiated or participated in  
59 26 any proceeding authorized by this chapter. An assisted living  
59 27 program that violates this section is subject to a penalty as  
59 28 established by administrative rule in accordance with chapter  
59 29 17A, to be assessed and collected by the department of  
~~59 30 inspections and appeals~~, paid into the state treasury, and  
59 31 credited to the general fund of the state.  
59 32 Sec. 130. Section 231C.14, subsection 2, Code 2007, is  
59 33 amended to read as follows:  
59 34 2. Following receipt of notice from the department of  
~~59 35 inspections and appeals~~, continued failure or refusal to  
60 1 comply within a prescribed time frame with regulatory  
60 2 requirements that have a direct relationship to the health,  
60 3 safety, or security of program tenants.  
60 4 Sec. 131. Section 231C.14, subsection 3, unnumbered  
60 5 paragraph 1, Code 2007, is amended to read as follows:  
60 6 Preventing or interfering with or attempting to impede in  
60 7 any way any duly authorized representative of the department  
60 8 of ~~inspections and appeals~~ in the lawful enforcement of this  
60 9 chapter or of the rules adopted pursuant to this chapter. As

60 10 used in this subsection, "lawful enforcement" includes but is  
60 11 not limited to:

60 12 Sec. 132. Section 231C.15, Code 2007, is amended to read  
60 13 as follows:

60 14 231C.15 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF.

60 15 A person establishing, conducting, managing, or operating  
60 16 any assisted living program without a certificate is guilty of  
60 17 a serious misdemeanor. Each day of continuing violation after  
60 18 conviction or notice from the department ~~of inspections and~~  
~~60 19 appeals~~ by certified mail of a violation shall be considered a  
60 20 separate offense or chargeable offense. A person  
60 21 establishing, conducting, managing, or operating an assisted  
60 22 living program without a certificate may be temporarily or  
60 23 permanently restrained by a court of competent jurisdiction  
60 24 from such activity in an action brought by the state.

60 25 Sec. 133. Section 231C.16, Code 2007, is amended to read  
60 26 as follows:

60 27 231C.16 NURSING ASSISTANT AND MEDICATION AIDE ==  
60 28 CERTIFICATION.

60 29 The department ~~of inspections and appeals~~, in cooperation  
60 30 with other appropriate agencies, shall establish a procedure  
60 31 to allow nursing assistants or medication aides to claim work  
60 32 within an assisted living program as credit toward sustaining  
60 33 the nursing assistant's or medication aide's certification.

60 34 Sec. 134. Section 231C.18, subsection 1, Code 2007, is  
60 35 amended to read as follows:

61 1 1. The department ~~of inspections and appeals~~ shall collect  
61 2 assisted living program certification and related fees. An  
61 3 assisted living program that is certified by the department ~~of~~  
~~61 4 inspections and appeals~~ on the basis of voluntary  
61 5 accreditation by a recognized accrediting entity shall not be  
61 6 subject to payment of the certification fee, but shall be  
61 7 subject to an administrative fee as prescribed by rule. Fees  
61 8 collected and retained pursuant to this section shall be  
61 9 deposited in the general fund of the state.

61 10 Sec. 135. Section 231D.1, subsection 3, Code 2007, is  
61 11 amended to read as follows:

61 12 3. "Department" means the department of ~~elder affairs~~  
~~61 13 created in chapter 231 inspections and appeals.~~

61 14 Sec. 136. Section 231D.2, subsection 2, Code 2007, is  
61 15 amended by striking the subsection.

61 16 Sec. 137. Section 231D.2, subsections 3 and 4, Code 2007,  
61 17 are amended to read as follows:

61 18 3. The department shall establish, by rule in accordance  
61 19 with chapter 17A, a program for certification and monitoring  
61 20 of and complaint investigations related to adult day services  
61 21 programs. The department, in establishing minimum standards  
61 22 for adult day services programs, may adopt by rule in  
61 23 accordance with chapter 17A, nationally recognized standards  
61 24 for adult day services programs. The rules shall include  
61 25 specification of recognized accrediting entities. The rules  
61 26 shall include a requirement that sufficient staffing be  
61 27 available at all times to fully meet a participant's  
61 28 identified needs. The rules shall include a requirement that  
61 29 no fewer than two staff persons who monitor participants as  
61 30 indicated in each participant's service plan shall be awake  
61 31 and on duty during the hours of operation when two or more  
61 32 participants are present. The rules and minimum standards  
61 33 adopted shall be formulated in consultation with ~~the~~

~~61 34 department of inspections and appeals affected state agencies~~  
61 35 and affected industry, professional, and consumer groups and  
62 1 shall be designed to accomplish the purpose of this chapter.

62 2 4. The department may establish by administrative rule, in  
62 3 accordance with chapter 17A, specific rules related to minimum  
62 4 standards for dementia-specific adult day services programs.  
62 5 The rules shall be formulated in consultation with ~~the~~

~~62 6 department of inspections and appeals affected state agencies~~  
62 7 and affected industry, professional, and consumer groups.

62 8 Sec. 138. Section 231D.3, subsections 1, 3, 4, 5, 6, and  
62 9 7, Code 2007, are amended to read as follows:

62 10 1. A person or governmental unit acting severally or  
62 11 jointly with any other person or governmental unit shall not  
62 12 establish or operate an adult day services program and shall  
62 13 not represent an adult day services program to the public as  
62 14 certified unless and until the program is certified pursuant  
62 15 to this chapter. If an adult day services program is  
62 16 voluntarily accredited by a recognized accrediting entity with  
62 17 specific adult day services standards, the department ~~of~~  
~~62 18 inspections and appeals~~ shall accept voluntary accreditation  
62 19 as the basis for certification by the department. The owner  
62 20 or manager of a certified adult day services program shall

62 21 comply with the rules adopted by the department for an adult  
62 22 day services program.

62 23 3. An adult day services program that has been certified  
62 24 by the department ~~of inspections and appeals~~ shall not alter  
62 25 the program, operation, or adult day services for which the  
62 26 program is certified in a manner that affects continuing  
62 27 certification without prior approval of the department ~~of~~  
~~62 28 inspections and appeals~~. The department ~~of inspections and~~  
~~62 29 appeals~~ shall specify, by rule, alterations that are subject  
62 30 to prior approval.

62 31 4. A department, agency, or officer of this state or of  
62 32 any governmental unit shall not pay or approve for payment  
62 33 from public funds any amount to an adult day services program  
62 34 for an actual or prospective participant, unless the program  
62 35 holds a current certificate issued by the department ~~of~~  
~~63 1 inspections and appeals~~ and meets all current requirements for  
63 2 certification.

63 3 5. The department shall adopt rules regarding the  
63 4 conducting or operating of another business or activity in the  
63 5 distinct part of the physical structure in which the adult day  
63 6 services program is provided, if the business or activity  
63 7 serves persons who are not participants. The rules shall be  
63 8 developed in consultation with the ~~department of inspections~~  
~~63 9 and appeals~~ affected state agencies and affected industry,  
63 10 professional, and consumer groups.

63 11 6. The department ~~of elder affairs and the department of~~  
~~63 12 inspections and appeals~~ shall conduct joint training sessions  
63 13 for personnel responsible for conducting monitoring  
63 14 evaluations and complaint investigations of adult day services  
63 15 programs.

63 16 7. Certification of an adult day services program shall be  
63 17 for two years unless revoked for good cause by the department  
63 18 ~~of inspections and appeals~~.

63 19 Sec. 139. Section 231D.4, subsection 1, Code 2007, is  
63 20 amended to read as follows:

63 21 1. Certificates for adult day services programs shall be  
63 22 obtained from the department ~~of inspections and appeals~~.  
63 23 Applications shall be upon such forms and shall include such  
63 24 information as the department ~~of inspections and appeals~~ may  
63 25 reasonably require, which may include affirmative evidence of  
63 26 compliance with applicable statutes and local ordinances.  
63 27 Each application for certification shall be accompanied by the  
63 28 appropriate fee.

63 29 Sec. 140. Section 231D.4, subsection 2, paragraph a, Code  
63 30 2007, is amended to read as follows:

63 31 a. The department ~~of inspections and appeals~~ shall collect  
63 32 adult day services certification fees. The fees shall be  
63 33 deposited in the general fund of the state.

63 34 Sec. 141. Section 231D.5, subsection 1, unnumbered  
63 35 paragraph 1, Code 2007, is amended to read as follows:

64 1 The department ~~of inspections and appeals~~ may deny,  
64 2 suspend, or revoke certification if the department ~~of~~  
~~64 3 inspections and appeals~~ finds that there has been a  
64 4 substantial or repeated failure on the part of the adult day  
64 5 services program to comply with this chapter or the rules or  
64 6 minimum standards adopted pursuant to this chapter, or for any  
64 7 of the following reasons:

64 8 Sec. 142. Section 231D.5, subsection 3, Code 2007, is  
64 9 amended to read as follows:

64 10 3. In the case of a certificate applicant or existing  
64 11 certificate holder which is an entity other than an  
64 12 individual, the department ~~of inspections and appeals~~ may  
64 13 deny, suspend, or revoke a certificate if any individual who  
64 14 is in a position of control or is an officer of the entity  
64 15 engages in any act or omission proscribed by this section.

64 16 Sec. 143. Section 231D.6, Code 2007, is amended to read as  
64 17 follows:

64 18 231D.6 NOTICE == APPEAL == EMERGENCY PROVISIONS.

64 19 1. The denial, suspension, or revocation of a certificate  
64 20 shall be effected by delivering to the applicant or  
64 21 certificate holder by restricted certified mail or by personal  
64 22 service a notice setting forth the particular reasons for the  
64 23 action. The denial, suspension, or revocation shall become  
64 24 effective thirty days after the mailing or service of the  
64 25 notice, unless the applicant or certificate holder, within the  
64 26 thirty-day period, requests a hearing, in writing, of the  
64 27 department ~~of inspections and appeals~~, in which case the  
64 28 notice shall be deemed to be suspended.

64 29 2. The denial, suspension, or revocation of a certificate  
64 30 may be appealed in accordance with rules adopted by the  
64 31 department ~~of inspections and appeals~~ in accordance with

64 32 chapter 17A.

64 33 3. When the department of inspections and appeals finds  
64 34 that an immediate danger to the health or safety of  
64 35 participants in an adult day services program exists which  
65 1 requires action on an emergency basis, the department of  
~~65 2 inspections and appeals~~ may direct the removal of all  
65 3 participants in the adult day services program and suspend the  
65 4 certificate prior to a hearing.

65 5 Sec. 144. Section 231D.7, Code 2007, is amended to read as  
65 6 follows:

65 7 231D.7 CONDITIONAL OPERATION.

65 8 The department of inspections and appeals may, as an  
65 9 alternative to denial, suspension, or revocation of  
65 10 certification under section 231D.5, conditionally issue or  
65 11 continue certification dependent upon the performance by the  
65 12 adult day services program of reasonable conditions within a  
65 13 reasonable period of time as prescribed by the department of  
~~65 14 inspections and appeals~~ so as to permit the program to  
65 15 commence or continue the operation of the program pending full  
65 16 compliance with this chapter or the rules adopted pursuant to  
65 17 this chapter. If the adult day services program does not make  
65 18 diligent efforts to comply with the conditions prescribed, the  
65 19 department of inspections and appeals may, under the  
65 20 proceedings prescribed by this chapter, suspend or revoke the  
65 21 certificate. An adult day services program shall not be  
65 22 operated under conditional certification for more than one  
65 23 year.

65 24 Sec. 145. Section 231D.8, Code 2007, is amended to read as  
65 25 follows:

65 26 231D.8 DEPARTMENT NOTIFIED OF CASUALTIES.

65 27 The department of inspections and appeals shall be notified  
65 28 within twenty-four hours, by the most expeditious means  
65 29 available, of any accident causing substantial injury or  
65 30 death, and any substantial fire or natural or other disaster  
65 31 occurring at or near an adult day services program.

65 32 Sec. 146. Section 231D.9, Code 2007, is amended to read as  
65 33 follows:

65 34 231D.9 COMPLAINTS AND CONFIDENTIALITY.

65 35 1. A person with concerns regarding the operations or  
66 1 service delivery of an adult day services program may file a  
66 2 complaint with the department of inspections and appeals. The  
66 3 name of the person who files a complaint with the department  
66 4 of inspections and appeals and any personal identifying  
66 5 information of the person or any participant identified in the  
66 6 complaint shall be kept confidential and shall not be subject  
66 7 to discovery, subpoena, or other means of legal compulsion for  
66 8 its release to a person other than employees of the department  
66 9 of inspections and appeals involved in the investigation of  
66 10 the complaint.

66 11 2. The department, in cooperation with the department of  
~~66 12 inspections and appeals~~, shall establish procedures for the  
66 13 disposition of complaints received in accordance with this  
66 14 section.

66 15 Sec. 147. Section 231D.9A, Code 2007, is amended to read  
66 16 as follows:

66 17 231D.9A INFORMAL REVIEW.

66 18 1. If an adult day services program contests the findings  
66 19 of regulatory insufficiencies of a monitoring evaluation or  
66 20 complaint investigation, the program shall submit written  
66 21 information, demonstrating that the program was in compliance  
66 22 with the applicable requirement at the time of the monitoring  
66 23 evaluation or complaint investigation, to the department of  
~~66 24 inspections and appeals~~ for review.

66 25 2. The department of inspections and appeals shall review  
66 26 the written information submitted within ten working days of  
66 27 the receipt of the information. At the conclusion of the  
66 28 review, the department of inspections and appeals may affirm,  
66 29 modify, or dismiss the regulatory insufficiencies. The  
66 30 department of inspections and appeals shall notify the program  
66 31 in writing of the decision to affirm, modify, or dismiss the  
66 32 regulatory insufficiencies, and the reasons for the decision.

66 33 3. In the case of a complaint investigation, the  
66 34 department of inspections and appeals shall also notify the  
66 35 complainant, if known, of the decision and the reasons for the  
67 1 decision.

67 2 Sec. 148. Section 231D.10, Code 2007, is amended to read  
67 3 as follows:

67 4 231D.10 PUBLIC DISCLOSURE OF FINDINGS.

67 5 Upon completion of a monitoring evaluation or complaint  
67 6 investigation of an adult day services program by the  
67 7 department of inspections and appeals pursuant to this

67 8 chapter, including the conclusion of all administrative  
67 9 appeals processes, the department's final findings with  
67 10 respect to compliance by the adult day services program with  
67 11 requirements for certification shall be made available to the  
67 12 public in a readily available form and place. Other  
67 13 information relating to an adult day services program that is  
67 14 obtained by the department ~~of inspections and appeals~~ which  
67 15 does not constitute the department's final findings from a  
67 16 monitoring evaluation or complaint investigation of the adult  
67 17 day services program shall ~~be made available to the department~~  
~~67 18 upon request to facilitate policy decisions, but shall not be~~  
67 19 made available to the public except in proceedings involving  
67 20 the denial, suspension, or revocation of a certificate under  
67 21 this chapter.

67 22 Sec. 149. Section 231D.11, subsection 1, Code 2007, is  
67 23 amended to read as follows:

67 24 1. A person establishing, conducting, managing, or  
67 25 operating an adult day services program without a certificate  
67 26 is guilty of a serious misdemeanor. Each day of continuing  
67 27 violation after conviction or notice from the department ~~of~~  
~~67 28 inspections and appeals~~ by certified mail of a violation shall  
67 29 be considered a separate offense or chargeable offense. A  
67 30 person establishing, conducting, managing, or operating an  
67 31 adult day services program without a certificate may be  
67 32 temporarily or permanently restrained by a court of competent  
67 33 jurisdiction from such activity in an action brought by the  
67 34 state.

67 35 Sec. 150. Section 231D.11, subsection 2, paragraph c,  
68 1 unnumbered paragraph 1, Code 2007, is amended to read as  
68 2 follows:

68 3 Preventing or interfering with or attempting to impede in  
68 4 any way any duly authorized representative of the department  
68 5 ~~of inspections and appeals~~ in the lawful enforcement of this  
68 6 chapter or of the rules adopted pursuant to this chapter. As  
68 7 used in this paragraph, "lawful enforcement" includes but is  
68 8 not limited to:

68 9 Sec. 151. Section 231D.12, Code 2007, is amended to read  
68 10 as follows:

68 11 231D.12 RETALIATION BY ADULT DAY SERVICES PROGRAM  
68 12 PROHIBITED.

68 13 1. An adult day services program shall not discriminate or  
68 14 retaliate in any way against a participant, participant's  
68 15 family, or an employee of the program who has initiated or  
68 16 participated in any proceeding authorized by this chapter. An  
68 17 adult day services program that violates this section is  
68 18 subject to a penalty as established by administrative rule, to  
68 19 be assessed and collected by the department ~~of inspections and~~  
~~68 20 appeals~~, paid into the state treasury, and credited to the  
68 21 general fund of the state.

68 22 2. Any attempt to discharge a participant from an adult  
68 23 day services program by whom or upon whose behalf a complaint  
68 24 has been submitted to the department ~~of inspections and~~  
~~68 25 appeals~~ under section 231D.9, within ninety days after the  
68 26 filing of the complaint or the conclusion of any proceeding  
68 27 resulting from the complaint, shall raise a rebuttable  
68 28 presumption that the action was taken by the program in  
68 29 retaliation for the filing of the complaint, except in  
68 30 situations in which the participant is discharged due to  
68 31 changes in health status which exceed the level of care  
68 32 offered by the adult day services program or in other  
68 33 situations as specified by rule.

68 34 Sec. 152. Section 231D.13, Code 2007, is amended to read  
68 35 as follows:

69 1 231D.13 NURSING ASSISTANT AND MEDICATION AIDE ==  
69 2 CERTIFICATION.

69 3 The department ~~of inspections and appeals~~, in cooperation  
69 4 with other appropriate agencies, shall establish a procedure  
69 5 to allow nursing assistants or medication aides to claim work  
69 6 within adult day services programs as credit toward sustaining  
69 7 the nursing assistant's or medication aide's certification.

69 8 Sec. 153. Section 231D.15, Code 2007, is amended to read  
69 9 as follows:

69 10 231D.15 FIRE AND SAFETY STANDARDS.

69 11 The state fire marshal shall adopt rules, in coordination  
69 12 with the department ~~of elder affairs and the department of~~  
~~69 13 inspections and appeals~~, relating to the certification and  
69 14 monitoring of the fire and safety standards of adult day  
69 15 services programs.

69 16 Sec. 154. Section 231D.17, subsection 3, Code 2007, is  
69 17 amended to read as follows:

69 18 3. Written contractual agreements and related documents

69 19 executed by each participant or participant's legal  
69 20 representative shall be maintained by the adult day services  
69 21 program in program files from the date of execution until  
69 22 three years from the date the written contractual agreement is  
69 23 terminated. A copy of the most current written contractual  
69 24 agreement shall be provided to members of the general public,  
69 25 upon request. Written contractual agreements and related  
69 26 documents shall be made available for on-site inspection to  
69 27 the department of ~~inspections and appeals~~ upon request and at  
69 28 reasonable times.

69 29 Sec. 155. Section 231D.18, subsection 1, unnumbered  
69 30 paragraph 1, Code 2007, is amended to read as follows:

69 31 If an adult day services program initiates the involuntary  
69 32 transfer of a participant and the action is not a result of a  
69 33 monitoring evaluation or complaint investigation by the  
69 34 department of ~~inspections and appeals~~, and if the participant  
69 35 or participant's legal representative contests the transfer,  
70 1 the following procedure shall apply:

70 2 Sec. 156. Section 231D.18, subsection 2, Code 2007, is  
70 3 amended to read as follows:

70 4 2. The department, in consultation with ~~the department of~~  
~~70 5 inspections and appeals~~ affected state agencies and affected  
70 6 industry, professional, and consumer groups, shall establish  
70 7 by rule, in accordance with chapter 17A, procedures to be  
70 8 followed, including the opportunity for hearing, when the  
70 9 transfer of a participant results from a monitoring evaluation  
70 10 or complaint investigation conducted by the department of ~~of~~  
~~70 11 inspections and appeals~~.

70 12 Sec. 157. ADMINISTRATIVE RULES == TRANSITION PROVISIONS.

70 13 1. Any rule, regulation, form, order, or directive  
70 14 promulgated by the department of elder affairs and in effect  
70 15 on the effective date of this Act shall continue in full force  
70 16 and effect until amended, repealed, or supplemented by  
70 17 affirmative action of the department of inspections and  
70 18 appeals under the duties and powers of the department of  
70 19 inspections and appeals as established in this Act and under  
70 20 the procedure established in subsection 2.

70 21 Any license, certification, or permit issued by the  
70 22 department of elder affairs and in effect on the effective  
70 23 date of this Act shall continue in full force and effect until  
70 24 expiration or renewal.

70 25 2. In regard to updating references and format in the Iowa  
70 26 administrative code in order to correspond to the  
70 27 restructuring of state government as established in this Act,  
70 28 the administrative rules coordinator and the administrative  
70 29 rules review committee, in consultation with the  
70 30 administrative code editor, shall jointly develop a schedule  
70 31 for the necessary updating of the Iowa administrative code.

70 32 DIVISION VII  
70 33 CORRECTIVE PROVISIONS

70 34 Sec. 158. Section 35A.15, subsection 2, if enacted by 2007  
70 35 Iowa Acts, Senate File 407, section 1, is amended to read as  
71 1 follows:

71 2 2. The home ownership assistance program is established to  
71 3 continue the program implemented pursuant to ~~2003 Iowa Acts,~~  
~~71 4 chapter 179, section 21, subsection 5, as amended by 2005 Iowa~~  
71 5 Acts, chapter 161, section 1, and as amended by 2005 Iowa  
~~71 6 Acts, chapter 115, section 37, and continued in accordance~~  
71 7 with 2006 Iowa Acts, chapter 1167, sections 3 and 4, and other  
71 8 appropriations.

71 9 Sec. 159. Section 48A.7A, subsection 4, paragraph b, as  
71 10 enacted by 2007 Iowa Acts, House File 653, section 2, is  
71 11 amended to read as follows:

71 12 b. The form of the written oath required of a person  
71 13 attesting to the identity and residency of the registrant  
71 14 shall read as follows:

71 15 I, ..... (name of registered voter), do solemnly  
71 16 swear or affirm all of the following:

71 17 I am a preregistered voter in this precinct or I registered  
71 18 to vote in this precinct today, and a registered voter did not  
71 19 sign an oath on my behalf.

71 20 I am a resident of the ..... precinct, ..... ward  
71 21 or township, city of ....., county of ....., Iowa.

71 22 I reside at ..... (street address) in  
71 23 (street address)

71 24 ..... (city or township)  
71 25 (city or township)

71 26 I personally know ..... (name of registrant),  
71 27 (name of registrant)

71 28 and I personally know that ..... (name of  
71 29 (name of registrant)

71 30 registrant) is a resident of the ..... precinct,  
71 31 ..... ward or township, city of ....., county of  
71 32 ....., Iowa.

71 33 I understand that any false statement in this oath is a  
71 34 class "D" felony punishable by no more than five years in  
71 35 confinement and a fine of at least seven hundred fifty dollars  
72 1 but not more than seven thousand five hundred dollars.

72 2 .....  
72 3 Signature of Registered Voter  
72 4 Subscribed and sworn before me on (date).

72 5 .....  
72 6 Signature of Precinct Election Official  
72 7 Sec. 160. Section 53.37, subsection 5, Code 2007, as  
72 8 amended by 2007 Iowa Acts, House File 848, section 31, to be  
72 9 subsection 3, paragraph e, is amended to read as follows:  
72 10 e. Citizens of the United States who do not fall under any  
72 11 of the categories described in ~~subsections 1 to 4~~ paragraphs  
72 12 "a" through "d", but who are entitled to register and vote

72 13 pursuant to section 48A.5, subsection 4.  
72 14 Sec. 161. Section 68A.406, subsection 2, unnumbered  
72 15 paragraph 2, Code 2007, as amended by 2007 Iowa Acts, Senate  
72 16 File 39, section 7, is amended to read as follows:

72 17 ~~Subparagraphs~~ Paragraphs "d", "e", and "f" shall not apply  
72 18 to the posting of signs on private property not a polling  
72 19 place, except that the placement of a sign on a motor vehicle,  
72 20 trailer, or semitrailer, or any attachment to a motor vehicle,  
72 21 trailer, or semitrailer parked on public property within three  
72 22 hundred feet of a polling place, which sign is more than  
72 23 ninety square inches in size, is prohibited.

72 24 Sec. 162. Section 96.5, subsection 5, paragraph c, Code  
72 25 2007, as amended by 2007 Iowa Acts, Senate File 272, section  
72 26 27, to be subsection 5, paragraph a, subparagraph (3), is  
72 27 amended to read as follows:

72 28 (3) A governmental or other pension, retirement or retired  
72 29 pay, annuity, or any other similar periodic payment made under  
72 30 a plan maintained or contributed to by a base period or  
72 31 chargeable employer where, except for benefits under the  
72 32 federal Social Security Act or the federal Railroad Retirement  
72 33 Act of 1974 or the corresponding provisions of prior law, the  
72 34 plan's eligibility requirements or benefit payments are  
72 35 affected by the base period employment or the remuneration for  
73 1 the base period employment. However, if an individual's  
73 2 benefits are reduced due to the receipt of a payment under  
73 3 this ~~paragraph~~ subparagraph, the reduction shall be decreased  
73 4 by the same percentage as the percentage contribution of the  
73 5 individual to the plan under which the payment is made.

73 6 Sec. 163. Section 147.74, subsection 22, Code 2007, as  
73 7 amended by 2007 Iowa Acts, Senate File 74, section 61, is  
73 8 amended to read as follows:

73 9 22. A sign language interpreter or transliterator licensed  
73 10 under chapter 154E and this chapter may use the title  
73 11 "licensed sign language interpreter" or the letters "L. I."  
73 12 after the person's name.

73 13 Sec. 164. Section 147.98, Code 2007, as amended by 2007  
73 14 Iowa Acts, Senate File 74, section 71, is amended to read as  
73 15 follows:

73 16 147.98 EXECUTIVE DIRECTOR OF THE BOARD OF PHARMACY.  
73 17 The board of pharmacy may employ a full-time executive  
73 18 director, who shall not be a member of the ~~examining~~ board, at  
73 19 such compensation as may be fixed pursuant to chapter 8A,  
73 20 subchapter IV, but the provisions of section 147.22 providing  
73 21 for a secretary for each ~~examining~~ board shall not apply to  
73 22 the board of pharmacy.

73 23 Sec. 165. Section 148.10, unnumbered paragraph 1, Code  
73 24 2007, as amended by 2007 Iowa Acts, Senate File 74, section  
73 25 95, is amended to read as follows:

73 26 The board may, in ~~their~~ its discretion, issue a temporary  
73 27 certificate authorizing the licensee to practice medicine and  
73 28 surgery or osteopathic medicine and surgery in a specific  
73 29 location or locations and for a specified period of time if,  
73 30 in the opinion of the board, a need exists and the person  
73 31 possesses the qualifications prescribed by the board for the  
73 32 license, which shall be substantially equivalent to those  
73 33 required for licensure under this chapter or chapter 150A, as  
73 34 the case may be. The board shall determine in each instance  
73 35 those eligible for this license, whether or not examinations  
74 1 shall be given, and the type of examinations. No requirements  
74 2 of the law pertaining to regular permanent licensure are  
74 3 mandatory for this temporary license except as specifically  
74 4 designated by the board. The granting of a temporary license  
74 5 does not in any way indicate that the person so licensed is

74 6 necessarily eligible for regular licensure or that the board  
74 7 in any way is obligated to so license the person.  
74 8 Sec. 166. Section 150A.3, subsection 1, paragraph c, Code  
74 9 2007, as that section is amended by 2007 Iowa Acts, Senate  
74 10 File 74, section 115, is amended to read as follows:  
74 11 c. Present to the Iowa department of public health  
74 12 satisfactory evidence that the applicant has completed one  
74 13 year of internship or resident training in a hospital approved  
74 14 for such training by the ~~medical examiners board~~.  
74 15 Sec. 167. Section 151.12, unnumbered paragraph 1, Code  
74 16 2007, as amended by 2007 Iowa Acts, Senate File 74, section  
74 17 125, is amended to read as follows:  
74 18 The board may, in its discretion, issue a temporary  
74 19 certificate authorizing the licensee to practice chiropractic  
74 20 if, in the opinion of the ~~chiropractic examiners board~~, a need  
74 21 exists and the person possesses the qualifications prescribed  
74 22 by the board for the license, which shall be substantially  
74 23 equivalent to those required for licensure under this chapter.  
74 24 The board shall determine in each instance those eligible for  
74 25 this license, whether or not examinations shall be given, the  
74 26 type of examinations, and the duration of the license. No  
74 27 requirements of the law pertaining to regular permanent  
74 28 licensure are mandatory for this temporary license except as  
74 29 specifically designated by the board. The granting of a  
74 30 temporary license does not in any way indicate that the person  
74 31 so licensed is eligible for regular licensure or that the  
74 32 board is obligated to so license the person.  
74 33 Sec. 168. Section 154.1, unnumbered paragraph 3, Code  
74 34 2007, as amended by 2007 Iowa Acts, Senate File 74, section  
74 35 142, to be subsection 4, is amended to read as follows:  
75 1 4. Therapeutically certified optometrists may employ all  
75 2 diagnostic and therapeutic pharmaceutical agents for the  
75 3 purpose of diagnosis and treatment of conditions of the human  
75 4 eye and adnexa pursuant to this ~~paragraph subsection~~,  
75 5 excluding the use of injections other than to counteract an  
75 6 anaphylactic reaction, and notwithstanding section 147.107,  
75 7 may without charge supply any of the above pharmaceuticals to  
75 8 commence a course of therapy. Therapeutically certified  
75 9 optometrists may prescribe oral steroids for a period not to  
75 10 exceed fourteen days without consultation with a primary care  
75 11 physician. Therapeutically certified optometrists shall not  
75 12 prescribe oral Imuran or oral Methotrexate. Therapeutically  
75 13 certified optometrists may be authorized, where reasonable and  
75 14 appropriate, by rule of the board, to employ new diagnostic  
75 15 and therapeutic pharmaceutical agents approved by the United  
75 16 States food and drug administration on or after July 1, 2002,  
75 17 for the diagnosis and treatment of the human eye and adnexa.  
75 18 The board shall not be required to adopt rules relating to  
75 19 topical pharmaceutical agents, oral antimicrobial agents, oral  
75 20 antihistamines, oral antiglaucoma agents, and oral analgesic  
75 21 agents. Superficial foreign bodies may be removed from the  
75 22 human eye and adnexa. The therapeutic efforts of a  
75 23 therapeutically certified optometrist are intended for the  
75 24 purpose of examination, diagnosis, and treatment of visual  
75 25 defects, abnormal conditions, and diseases of the human eye  
75 26 and adnexa, for proper optometric practice or referral for  
75 27 consultation or treatment to persons licensed under chapter  
75 28 148 or 150A. A therapeutically certified optometrist is an  
75 29 optometrist who is licensed to practice optometry in this  
75 30 state and who is certified by the board to use the agents and  
75 31 procedures authorized pursuant to this ~~paragraph subsection~~.  
75 32 A therapeutically certified optometrist shall be provided with  
75 33 a distinctive certificate by the board which shall be  
75 34 displayed for viewing by the patients of the optometrist.  
75 35 Sec. 169. Section 154.3, subsection 5, Code 2007, as  
76 1 amended by 2007 Iowa Acts, Senate File 74, section 143, is  
76 2 amended to read as follows:  
76 3 5. A person applying to be licensed as an optometrist  
76 4 after January 1, 1986, shall also apply to be a  
76 5 therapeutically certified optometrist and shall, in addition  
76 6 to satisfactorily completing all requirements for a license to  
76 7 practice optometry, satisfactorily complete a course as  
76 8 defined by rule of the board with particular emphasis on the  
76 9 examination, diagnosis, and treatment of conditions of the  
76 10 human eye and adnexa provided by an institution accredited by  
76 11 a regional or professional accreditation organization which is  
76 12 recognized or approved by the council on postsecondary  
76 13 accreditation of the United States office of education, and  
76 14 approved by the board. The rules of the board shall require a  
76 15 course including a minimum of forty hours of didactic  
76 16 education and sixty hours of approved supervised clinical

76 17 training in the examination, diagnosis, and treatment of  
76 18 conditions of the human eye and adnexa. The board may also,  
76 19 by rule, provide a procedure by which an applicant who has  
76 20 received didactic education meeting the requirements of rules  
76 21 adopted pursuant to this subsection at an approved school of  
76 22 optometry may apply to the board for a waiver of the didactic  
76 23 education requirements of this subsection.

76 24 Sec. 170. Section 284.8, subsection 4, if enacted by 2007  
76 25 Iowa Acts, Senate File 277, section 32, is amended to read as  
76 26 follows:

76 27 4. A teacher who is not meeting the applicable standards  
76 28 and criteria based on a determination made pursuant to  
76 29 subsection 3 2 shall participate in an intensive assistance  
76 30 program.

76 31 Sec. 171. Section 499.47, subsection 3, Code 2007, as  
76 32 amended by 2007 Iowa Acts, Senate File 319, section 5, is  
76 33 amended to read as follows:

76 34 3. Upon the expiration or voluntary dissolution of an  
76 35 association, the members shall designate three of their number  
77 1 as trustees to replace the officers and directors and wind up  
77 2 its affairs. The trustees shall have all the powers of the  
77 3 board, including the power to sell and convey real or personal  
77 4 property and execute conveyances. Within the time fixed in  
77 5 their designation, or any extension of that time, the trustees  
77 6 shall liquidate the association's assets, pay its debts and  
77 7 expenses, and distribute remaining funds among the members.  
77 8 Upon distribution of remaining assets the association shall  
77 9 stand dissolved and cease to exist. The trustees shall make  
77 10 and sign a ~~duplicate~~ report of the dissolution. ~~One copy of~~  
77 11 ~~the~~ The report shall be filed with the secretary of state.

77 12 Sec. 172. Section 715.6, Code 2007, as amended by 2007  
77 13 Iowa Acts, Senate File 333, if enacted, is amended to read as  
77 14 follows:

77 15 715.6 EXCEPTIONS.

77 16 Sections 715.4 and 715.5 shall not apply to the monitoring  
77 17 of, or interaction with, an owner's or an operator's internet  
77 18 or other network connection, service, or computer, by a  
77 19 telecommunications carrier, cable operator, computer hardware  
77 20 or software provider, or provider of information service or  
77 21 interactive computer service for network or computer security  
77 22 purposes, diagnostics, technical support, maintenance, repair,  
77 23 authorized updates of computer software or system firmware,  
77 24 authorized remote system management, or detection, criminal  
77 25 investigation, or prevention of the use of or fraudulent or  
77 26 other illegal activities prohibited in this chapter in  
77 27 connection with a network, service, or computer software,  
77 28 including scanning for and removing computer software  
77 29 prescribed under this chapter. Nothing in this chapter shall  
77 30 limit the rights of providers of wire and electronic  
77 31 communications under 18 U.S.C. } 2511.

77 32 Sec. 173. 2006 Iowa Acts, chapter 1106, section 1,  
77 33 subsection 5, paragraph c, as amended by 2007 Iowa Acts,  
77 34 Senate File 272, section 112, is amended to read as follows:

77 35 c. Grants for veterans injured after September 11, 2001,  
78 1 but prior to the effective date of this section of this Act  
78 2 shall be payable, upon a showing that the veteran would have  
78 3 been eligible for payment had the injury occurred on or after  
78 4 the effective date of this section of this Act.

78 5 Sec. 174. 2007 Iowa Acts, House File 579, section 3, the  
78 6 bill section amending clause, is amended to read as follows:

78 7 SEC. 3. Section 805.6, subsection 1, paragraph a,  
78 8 unnumbered paragraph 3, Code 2007, is amended to read as  
78 9 follows:

78 10 Sec. 175. 2007 Iowa Acts, Senate File 74, section 43, is  
78 11 repealed.

78 12 Sec. 176. 2007 Iowa Acts, Senate File 403, section 29, if  
78 13 enacted, is amended to read as follows:

78 14 SEC. 29. EFFECTIVE DATE. The sections of this division of  
78 15 this Act enacting section 268.6 and amending section ~~534B.54~~  
78 16 543B.54 take effect July 1, 2007.

78 17 Sec. 177. 2007 Iowa Acts, Senate File 535, section 44,  
78 18 subsection 1, unnumbered paragraph 1, is amended to read as  
78 19 follows:

78 20 If 2007 Iowa Acts, House File 716 is enacted,  
78 21 notwithstanding section ~~4.1~~ 4.8, all of the following apply:

78 22 EXPLANATION

78 23 This bill makes, reduces, and transfers appropriations,  
78 24 provides for salaries and compensation of state employees, and  
78 25 covers other properly related matters. The bill is organized  
78 26 into divisions.

78 27 MH/MR/DD/BI SERVICES ALLOWED GROWTH FUNDING == FY

78 28 2008=2009. This division appropriates funding for the FY  
78 29 2008=2009 MH/MR/DD/BI services allowed growth funding payments  
78 30 to counties and for the brain injury services program in the  
78 31 department of public health.

78 32 STANDING APPROPRIATIONS AND RELATED MATTERS. This division  
78 33 limits the standing unlimited appropriations for FY 2007=2008  
78 34 made for the following purposes: instructional support state  
78 35 aid, payment of nonpublic school transportation, the  
79 1 educational excellence program to improve teacher salaries,  
79 2 and state share of peace officers' retirement benefits.

79 3 In addition, for FY 2007=2008, the following property tax  
79 4 credits are funded from the property tax credit fund created  
79 5 in the division instead of the general fund of the state:  
79 6 homestead, agricultural land and family farm, military  
79 7 service, and elderly and disabled tax credit and  
79 8 reimbursement.

79 9 For the budget process applicable to FY 2008=2009, state  
79 10 agencies are required to submit estimates and other  
79 11 expenditure information as called for by the director of the  
79 12 department of management after consultation with the director  
79 13 of management instead of the information required under Code  
79 14 section 8.23.

79 15 Of the appropriations made for expenses of the general  
79 16 assembly under Code section 2.12, \$775,000 is to be used for  
79 17 security at the capitol and judicial buildings.

79 18 Code section 8.57A is amended to increase the standing  
79 19 appropriation from the rebuild Iowa infrastructure fund to the  
79 20 environment first fund from \$35 million to \$40 million.

79 21 Code section 257.35, relating to state aid to schools  
79 22 provided for area education agencies, is amended to continue a  
79 23 reduction in that funding for FY 2007=2008. The amount of the  
79 24 reduction is limited to \$5.25 million in place of the \$8  
79 25 million reduction applied for the previous fiscal year and the  
79 26 reduction for each area education agency will be prorated  
79 27 based upon the reduction in the state aid that the agency  
79 28 received in FY 2003=2004. Intent language is included that  
79 29 would eliminate this reduction by FY 2009=2010.

79 30 The contingent appropriation under Code section 8.57,  
79 31 subsection 1, of up to 1 percent of the adjusted revenue  
79 32 estimate for FY 2007=2008 from the state general fund to the  
79 33 cash reserve fund in the event the FY 2006=2007 ending balance  
79 34 distribution was insufficient to bring the fund to the  
79 35 designated level shall not be made for FY 2007=2008.

80 1 SALARIES, COMPENSATION, AND RELATED MATTERS. This division  
80 2 relates to the funding for the fiscal year beginning July 1,  
80 3 2007, of salary increases for state appointed nonelected  
80 4 officers, justices, judges, magistrates, employees subject to  
80 5 collective bargaining agreements, certain noncontract  
80 6 employees, and board of regents employees.

80 7 The annual salaries of the justices, judges, and judicial  
80 8 magistrates are increased by approximately 8 to 10 percent.

80 9 The division increases the maximum and minimum salary  
80 10 levels of all pay plans of noncontract state employees by 3  
80 11 percent and authorizes a step increase or the equivalent of a  
80 12 step increase. The pay levels of noncontract judicial branch  
80 13 employees are required to be similar to the employees covered  
80 14 by collective bargaining agreements negotiated by the judicial  
80 15 branch.

80 16 The division provides supplemental authorization to fund  
80 17 salaries from trust, revolving, and special funds for which  
80 18 the general assembly has established a budget.

80 19 The division provides for the salary model administrator to  
80 20 work in conjunction with the department of management and the  
80 21 legislative services agency to analyze, compare, and project  
80 22 state salary and benefit information.

80 23 The division provides for the payment of overtime for  
80 24 uniformed peace officers in the division of state patrol who  
80 25 are covered by a collective bargaining agreement.

80 26 The division makes an amendment to Code section 20.5  
80 27 relating to compensation of members of the public employment  
80 28 relations board to provide that they are to be compensated as  
80 29 provided by law in lieu of being set by the general assembly.

80 30 The division amends Code section 421.1A relating to the  
80 31 compensation of members of the property assessment appeal  
80 32 board to provide that they shall be compensated similar to the  
80 33 salary of a district judge until December 31, 2013.

80 34 The division specifies that when the supreme court submits  
80 35 the estimate of the total expenditure requirements of the  
81 1 judicial branch, that estimate include a detailed listing of  
81 2 requested judicial salary increases for the following fiscal  
81 3 year.

81 4 The division also provides that the administrator of the  
81 5 state racing and gaming commission will be paid compensation  
81 6 as set by the governor rather than within the salary range set  
81 7 by the general assembly.

81 8 OTHER APPROPRIATIONS AND RELATED MATTERS. This division  
81 9 makes numerous appropriations or reductions in appropriations  
81 10 for FY 2007=2008 and involves related matters as follows:

81 11 To the department of administrative services, \$120,000 is  
81 12 appropriated to provide for free shuttle service to the  
81 13 capitol complex by the Des Moines area regional transit  
81 14 authority.

81 15 To the department of economic development, \$40,000 is  
81 16 appropriated to support the mid-America port commission.

81 17 To the department of education, \$200,000 is appropriated  
81 18 for allocation to the Iowa western community college for  
81 19 interpreters for the deaf.

81 20 To the department of education, \$2 million is appropriated  
81 21 for payment of instructors' salaries at community colleges.

81 22 To the department of elder affairs, \$75,000 is appropriated  
81 23 to assist a qualifying county to fund a livable community  
81 24 initiative for the elderly and to hire a full-time  
81 25 professional aging specialist.

81 26 To the department of public defense, \$75,000 is  
81 27 appropriated to implement the disaster behavioral health  
81 28 responder ready reserve established in this division.

81 29 To the state board of regents, \$250,000 is appropriated for  
81 30 the development, maintenance, and promotion of a credit  
81 31 transfer and articulation internet website for use by students  
81 32 who wish to transfer credits earned at a community college to  
81 33 a board of regents institution.

81 34 To the department of education, a supplemental  
81 35 appropriation of \$2 million is made for the all Iowa  
82 1 opportunity assistance program if the program is established  
82 2 in 2007 Iowa Acts, Senate File 588. The moneys are to be used  
82 3 for the all Iowa opportunity scholarship program of the all  
82 4 Iowa opportunity assistance program.

82 5 To the department of education, a supplemental  
82 6 appropriation of \$295,000 is made for the before and after  
82 7 school program if established in 2007 Iowa Acts, Senate File  
82 8 588.

82 9 To the department of justice, a supplemental appropriation  
82 10 of \$150,000 is made for farm mediation services if an  
82 11 appropriation is made for farm mediation services in 2007 Iowa  
82 12 Acts, Senate File 575.

82 13 To the department of public health, \$500,000 is  
82 14 appropriated for a grant to a tax exempt nonprofit  
82 15 organization that is operating 211 program call centers on a  
82 16 statewide basis for community information and referral  
82 17 services.

82 18 To the judicial branch, \$14 million is appropriated for  
82 19 salaries, support, and miscellaneous purposes to supplement  
82 20 the appropriation in 2007 Iowa Acts, Senate File 563, if  
82 21 enacted.

82 22 To the department of inspections and appeals, \$3 million is  
82 23 appropriated to the office of state public defender for the  
82 24 indigent defense program to supplement the appropriation in  
82 25 2007 Iowa Acts, Senate File 575, if enacted.

82 26 To the department of agriculture and land stewardship,  
82 27 \$10,000 is appropriated for allocation to the Iowa junior  
82 28 angus association in connection with the 2008 national junior  
82 29 angus show.

82 30 To the department of corrections, \$560,000 is appropriated  
82 31 for the Newton correctional facility to supplement the  
82 32 appropriation in 2007 Iowa Acts, Senate File 575, if enacted.

82 33 To the office of attorney general, \$450,000 is appropriated  
82 34 for legal services for persons in poverty grants to supplement  
82 35 the appropriation in 2007 Iowa Acts, Senate File 575, if  
83 1 enacted.

83 2 The division amends 2007 Iowa Acts, House File 752, if  
83 3 enacted, to increase the amounts of the appropriations for  
83 4 department of transportation operations from the road use tax  
83 5 fund and the primary road fund by \$16,800 and \$103,200,  
83 6 respectively, and increases the FTE's for the operations by  
83 7 1.00.

83 8 The division amends 2006 Iowa Acts, chapter 1180, section  
83 9 5, and 2007 Iowa Acts, Senate File 562, to provide for the  
83 10 nonreversion of moneys appropriated for the great places  
83 11 program.

83 12 The division enacts new Code sections 15.391 and 15.392 and  
83 13 appropriates \$1 million annually beginning with FY 2008=2009  
83 14 for the support of the world food prize and for the support of

83 15 a world food prize youth institute that is established with a  
83 16 program to provide an educational opportunity and forum for  
83 17 high school students in the state who have an interest in  
83 18 food, agriculture, or natural resources disciplines.

83 19 The division enacts new Code section 29C.23 to require the  
83 20 department of public defense's homeland security and emergency  
83 21 management division administrator to provide for the ongoing  
83 22 existence of the ready reserve. The purpose of the reserve is  
83 23 to maintain a group of trained individuals to work with state  
83 24 and local officials and others in providing crisis counseling  
83 25 assistance in response to crises, disasters, and public  
83 26 disorder emergencies.

83 27 The ready reserve is considered to be a homeland security  
83 28 and emergency response team for purposes of Code section 29C.8  
83 29 and as such the members are considered to be state employees  
83 30 and are afforded tort liability protection as a state employee  
83 31 as well as disability, workers' compensation, and death  
83 32 benefits.

83 33 The division provides an appropriation from the general  
83 34 fund of the state of \$75,000 for initial implementation of the  
83 35 ready reserve costs for FY 2007=2008.

84 1 The division provides that directors of departments and  
84 2 agencies that are subject to a requirement to develop a  
84 3 telecommuter employment policy and plans are required to  
84 4 develop the policy and plans in consultation with  
84 5 representatives of the collective bargaining units of the  
84 6 employees affected by the policy and plans.

84 7 The division amends Code section 256D.5 to extend the  
84 8 standing, limited appropriation of \$29.25 million for the Iowa  
84 9 early intervention block grant program to the fiscal year  
84 10 ending June 30, 2012, and extends repeal of the program to  
84 11 July 1, 2012.

84 12 Code section 279.51 is amended to increase the amount of  
84 13 the standing appropriation to the department of education for  
84 14 at-risk children programs from \$12,560,000 to \$12,606,196.

84 15 Code section 602.8108 is amended to strike subsections 8,  
84 16 9, 10, and 11 that provide that a set amount of the fines and  
84 17 fees collected by the state court administrator be allocated  
84 18 to the judicial branch, state public defender, office of  
84 19 attorney general, or department of corrections. Instead these  
84 20 amounts will be deposited into the general fund of the state.

84 21 MISCELLANEOUS STATUTORY CHANGES. Code section 8A.363,  
84 22 subsection 1, is amended to provide that the director of the  
84 23 department of administrative services shall set the private  
84 24 motor vehicle reimbursement rate at between 90 percent and 110  
84 25 percent of the maximum allowable rate under federal internal  
84 26 revenue service rules.

84 27 Code section 15I.3, subsection 4, is amended to reduce from  
84 28 \$10 million to \$4 million the amount of wage=benefits tax  
84 29 credit certificates that may be issued in a fiscal year  
84 30 beginning on or after July 1, 2007.

84 31 Code section 28D.3 is amended to allow the department of  
84 32 administrative services and the Iowa communications network to  
84 33 interchange employees with other governmental entities for  
84 34 longer than two years. This provision takes effect upon  
84 35 enactment.

85 1 Code sections 85.66 and 85.67 are amended to increase from  
85 2 \$50,000 to \$150,000 the amount the attorney general's office  
85 3 is reimbursed for expenses from the second injury fund.

85 4 New Code chapter 190A is enacted to establish a  
85 5 farm=to=school program headed by a seven=member council to  
85 6 provide school children with healthy foods and opportunities  
85 7 to partake in farm activities.

85 8 New Code section 214A.2B is enacted to allow a community  
85 9 college to establish a testing laboratory for motor fuel and  
85 10 biodiesel fuels.

85 11 New Code section 216A.121, enacted by 2007 Iowa Acts, House  
85 12 File 826, is amended to include a representative of the Iowa  
85 13 state association of counties on the Abraham Lincoln  
85 14 bicentennial commission.

85 15 Code section 237A.13 is amended by adding a new subsection  
85 16 that establishes billing and payment standards for child care  
85 17 provided through the state child care assistance program. The  
85 18 billing or payments may be made biweekly or monthly.

85 19 Code section 272.27 is amended to provide that those  
85 20 educators completing required practicum, field experience,  
85 21 clinical experience, or internship before licensure shall be  
85 22 covered by the same liability protections provided student  
85 23 teachers.

85 24 Code section 303.1 is amended to allow the department of  
85 25 cultural affairs to develop and implement fee-based

85 26 educational programming opportunities including preschool  
85 27 programs.

85 28 Code sections 321.20B and 321A.34 are amended to allow  
85 29 certain sized associations to be self-insured in lieu of  
85 30 having regular motor vehicle insurance.

85 31 Code section 388.2 specifies that a proposal to establish,  
85 32 acquire, lease, dispose of, or undertake or discontinue  
85 33 operation of a city utility or to establish or dissolve a  
85 34 combined utility system or to establish or discontinue a  
85 35 utility board, which proposal is submitted to the voters by  
86 1 the city council's own motion, and not by petition, may be  
86 2 submitted at the general election, regular city election or at  
86 3 a special election. Code section 388.2 is amended to require  
86 4 notice be given to any utility whose property would be  
86 5 affected by a city establishing a gas or electric utility.

86 6 Code section 404A.4, subsection 4, is amended to increase  
86 7 from \$2.4 million to \$6 million the amount of historic  
86 8 preservation and cultural and entertainment district tax  
86 9 credits that may be approved in a fiscal year.

86 10 Code section 463C.17 is amended to provide that in addition  
86 11 to the Honey creek premier destination park authority, the  
86 12 department of natural resources and their agents are exempt  
86 13 from competitive bid laws, term=length, and hearing when  
86 14 entering into contracts in carrying out its public and  
86 15 essential government functions.

86 16 New Code section 717F.1, if enacted by 2007 Iowa Acts,  
86 17 Senate File 564, is amended to exclude from the definition of  
86 18 circus for purposes of the dangerous wild animal law a person  
86 19 who keeps certain carnivores as pets. Also changed in the law  
86 20 is the authority to keep a falcon.

86 21 The division repeals the section in 2007 Iowa Acts, Senate  
86 22 File 403, if enacted, that makes a \$250,000 appropriation for  
86 23 the initial implementation of an Iowa energy independence  
86 24 office.

86 25 ELDER SERVICES. This division provides the department of  
86 26 inspections and appeals with regulatory control of elder group  
86 27 homes, assisted living programs, and adult day services for  
86 28 licensing and monitoring purposes. The division eliminates  
86 29 regulatory control over such programs and facilities by the  
86 30 department of elder affairs. The division also provides  
86 31 transitional provisions for administrative rules.

86 32 CORRECTIVE PROVISIONS. Code section 35A.15, if enacted in  
86 33 2007 Iowa Acts, Senate File 407, is amended to correct a  
86 34 reference to the Iowa Act initially enacting the home  
86 35 ownership assistance program for eligible members of the armed  
87 1 forces of the United States who are residents of Iowa.

87 2 Code section 48A.7A, as enacted by 2007 Iowa Acts, House  
87 3 File 653, is corrected to include "name of registrant" rather  
87 4 than "name or registrant" and to reposition parenthetical  
87 5 phrases on the same line where blanks are to be filled in  
87 6 rather than on the lines below.

87 7 Code section 53.37, as amended by 2007 Iowa Acts, House  
87 8 File 848, is amended to correct an internal reference due to  
87 9 redesignation of subunits within the Code section.

87 10 Code section 68A.406, as amended by 2007 Iowa Acts, Senate  
87 11 File 39, is amended to correct an internal reference to  
87 12 paragraphs rather than to subparagraphs.

87 13 Code section 96.5, subsection 5, as amended by 2007 Iowa  
87 14 Acts, Senate File 272, is amended to correct an internal  
87 15 reference to this "paragraph" due to the internal  
87 16 redesignation of subunits within the subsection.

87 17 Code section 147.74, subsection 22, as amended by 2007 Iowa  
87 18 Acts, Senate File 74, is amended to correct a reference to a  
87 19 sign language interpreter or transliterator.

87 20 Code section 147.98, as amended by 2007 Iowa Acts, Senate  
87 21 File 74, is amended to correct two references to board or the  
87 22 board of pharmacy rather than to examining board or pharmacy  
87 23 examiners.

87 24 Code section 148.10, as amended by 2007 Iowa Acts, Senate  
87 25 File 74, is amended to correct a grammatical phrase using the  
87 26 word "its" rather than the word "their".

87 27 Code section 150A.3, as amended by 2007 Iowa Acts, Senate  
87 28 File 74, is amended to correct a reference to the board of  
87 29 medicine rather than to the medical examiners.

87 30 Code section 151.12, as amended by 2007 Iowa Acts, Senate  
87 31 File 74, is amended to correct a reference to the board of  
87 32 chiropractic rather than to the chiropractic examiners.

87 33 Code section 154.1, as amended by 2007 Iowa Acts, Senate  
87 34 File 74, section 142, is amended to correct two internal  
87 35 references to the newly designated subsection 4 rather than to  
88 1 the paragraph.

88 2 Code section 154.3, subsection 5, as amended by 2007 Iowa  
88 3 Acts, Senate File 74, is amended to correct the punctuation in  
88 4 a series to match added punctuation in two identical series in  
88 5 the same bill section.

88 6 Code section 284.8, subsection 4, if enacted by 2007 Iowa  
88 7 Acts, Senate File 277, is amended to correct an improper  
88 8 reference.

88 9 Code section 499.47, as amended by 2007 Iowa Acts, Senate  
88 10 File 319, is amended to provide that a duplicate copy of the  
88 11 report of the dissolution of an agricultural association need  
88 12 no longer be made and signed since the Code section was  
88 13 amended by Senate File 319 to require that just one copy be  
88 14 made and signed and filed with the secretary of state.

88 15 Code section 715.6, as amended in 2007 Iowa Acts, Senate  
88 16 File 333, the substantive Code editor's bill, is amended to  
88 17 specify that the prohibitions in Code chapter 715, relating to  
88 18 computer spyware and malware protections, allow monitoring or  
88 19 interaction with an internet or computer network involved in a  
88 20 criminal investigation of activities illegal under Code  
88 21 chapter 715.

88 22 2006 Iowa Acts, chapter 1106, as amended by 2007 Iowa Acts,  
88 23 Senate File 272, is amended to correct a reference to an  
88 24 effective date provision in the 2006 Iowa Acts. The 2006 Iowa  
88 25 Act had more than one effective and retroactive applicability  
88 26 date provision.

88 27 2007 Iowa Acts, House File 579, section 3, is amended to  
88 28 correct the bill section amending clause by adding that the  
88 29 portion of the Code section being amended is part of paragraph  
88 30 "a".

88 31 2007 Iowa Acts, Senate File 74, section 43, is repealed due  
88 32 to the fact that the Code section which it amends is itself  
88 33 repealed July 1, 2007.

88 34 2007 Iowa Acts, Senate File 403, is amended to correct a  
88 35 reference to Code section 543B.54 in an effective date section  
89 1 of the bill.

89 2 2007 Iowa Acts, Senate File 535, is amended to correct a  
89 3 reference to Code section 4.8 in a bill provision determining  
89 4 which conflicting provisions of two bills should prevail. The  
89 5 reference should be to the Code section relating to the  
89 6 statutory rule which provides that the bill of latest  
89 7 enactment prevails rather than a reference to statutory  
89 8 definitions.

89 9 LSB 2904SV 82  
89 10 mg:jp/cf/24.1